Art XI, Sec 3, State Constitution, Agricultural Lands
Constitutional amendment adopted in 1978 mandating State protection of agricultural lands and the promotion of diversified agriculture.

Agribusiness Development Corporation
State agency attached to Dept of Ag established in 1994 to provide leadership and tools for the development, financing, or improvement of agricultural enterprises, or the enhancement of infrastructure and other support for agribusiness enterprises.

Ch 205, HRS, Land Use Commission, otherwise known as the State Land Use Law
Enacted in 1961 to promote orderly development and management of lands in the State, in part to also protect agricultural lands. All lands in the State are classified in one of four districts: urban, rural, agricultural, and conservation. The law sets standards and procedures for the use of land within the districts and for the reclassification of lands.

Ch 226, HRS, Hawaii State Plan
Enacted in 1978, this statute sets out broad policies and priority guidelines in the areas of the economy, physical resources & environment, and sociocultural development. It also establishes a statewide planning system that provides a framework for the implementation of State Plan policies, including State functional plans and guidance on county general plans.

Growth management laws
Typically adopted at the state level, these laws are designed to promote the management of the location, character, timing, and phasing of growth at the local and regional levels. Most provide guidance as to how local plans are to plan for and manage development, as well as identify and protect critical resources or resource areas. Some require linkages between plans and plan implementation and infrastructure investment.

State Agricultural Functional Plan, Ch 226, HRS, Hawaii State Plan
The Ag Functional Plan is one of several State functional plans required under the Hawaii State Plan. The functional plans were intended to further define State policy priorities in particular areas and to implement these priorities. The functional plans have not been updated since the early 90s.

Comprehensive plans & Ag Element
Comprehensive plans, also known as general plans, outline local (counties in Hawaii) government policies and objectives, and implementation guidelines for land use, development, and public services. Generally, these plans include a planned land use component and maps. Generally, local plans are authorized through state enabling legislation and the content of these plans are often set in state statute. Some states require an agricultural element that serves as an agricultural plan for the local government.

County general plan & community-development plans
These are the counties’ equivalent to the comprehensive plan. The general plans of the counties of Hawaii and Kauai are most similar to the conventional comprehensive plan model, which incorporates the land use element and maps in one document for the entire county. The City and County of Honolulu and the County of Maui adopt general plans that are primarily policy documents with a limited land use component. In these counties, the land use plan component is contained in community and/or development plans for regional areas within the counties.

Agricultural protection zoning
Agricultural Protection Zoning (APZ) refers to that part of a zoning ordinance that identifies agriculture as the primary use, and limits activities permitted in the ag zone. These typically also set standards and restrict densities for residential development. Some local ordinances also contain right-to-farm provisions and authorize commercial agricultural activities, such as farm stands, that enhance farm profitability. The intent of APZ is to keep large tracts of land relatively free of non-farm development. In Hawaii, there is in effect APZ at the State level, that is implemented primarily through county APZ-related ordinances.
Special permit, Ch 205, HRS, Land Use Law
This procedure allows a party to petition for uses not otherwise permitted in the Ag District under State law. It is in essence a use variance procedure. The Land Use Commission must approve petitions involving land areas 15 acres or greater. The counties otherwise may approve a State Land Use special permit for areas less than 15 acres.

Planned unit development
A planned unit development (PUD) typically refers to a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various uses often makes it possible to achieve certain economies in construction, as well as the preservation of open space and the inclusion of many amenities.

Agricultural project district
The County of Hawaii’s agricultural project district is essentially a planned unit development that involves lands that are zoned agricultural.

Agricultural subdivision standards
Subdivision codes typically include a procedure for the subdivision of lands and development standards for subdivided lots. Subdivision codes typically are adopted to ensure that the lots created and developed will be adequately serviced and will meet the local government’s public health and safety concerns related to water and wastewater systems, traffic, drainage, public facilities needs generated by the subdivision, etc. Frequently, these codes are tailored to urban uses.

Cluster subdivisions, open space subdivisions, or cluster zoning
Cluster ordinances allow or require residential units to be grouped together in a smaller area to protect open land. The portion of a parcel or development that is not developed may be restricted by a conservation easement. They are not typically designed to support commercial agriculture, as agricultural use of the open lands may create nuisance conflicts with the residential users, and the undeveloped land may not be viable for efficient farm operations.

Development agreements
Development agreements are voluntary legal agreements between a governmental entity and a landowner/developer, which vest the right to develop the property in accordance with ordinances and rules in effect at the time such an agreement is executed, and which delineate development requirements for the property.

Agricultural districts
Agricultural District Programs allow farmers to form special areas where commercial agriculture is encouraged and protected. Programs are authorized by state legislatures and implemented at local levels. Enrollment is voluntary. In exchange for enrollment, farmers receive a package of benefits which varies from state to state. Such programs should not be confused with agricultural zoning, which imposes regulatory controls on the use of farmland.

State Enterprise Zone, Ch 209E, HRS
Enterprise zones are areas nominated by the counties and designated by the State in which qualified businesses are given State income tax credits, exemption from State general excise taxes, and other county-determined benefits, which might include relief from county tax and user fees, and permitting requirements. Currently, enterprise zones emphasize job creation and business expansion in economically distressed communities.

Conservation easements
Voluntary legal agreements between landowners and public or non-profit entities that limit land to specific uses and protect it from development. Enabling legislation authorizes qualified public agencies and non-profits to accept, acquire, and hold less-than-fee-simple interests in land for the purposes of conservation.
and preservation. In the context of agriculture, a conservation easement would preserve ag land for agricultural use. Grantors hold title and retain the right to use their land for agricultural or other purposes that do not interfere with or reduce ag viability, as well as the right to restrict access, sell, give, or transfer the property. Grantors can receive federal tax benefits for donating easements.

**Transfer of development rights**

Transfer of development rights (TDR) programs allows landowners to transfer the right to develop one parcel of land to a different parcel of land. Generally, TDR programs are established by local ordinances. In the context of farmland protection, TDR is used to shift development from an agricultural area to designated growth areas. When the rights are transferred from a sending parcel, the land is restricted from further development by a permanent conservation easement.

**Purchase of development rights/easements**

Purchase of Development Rights (PDR) or purchase of agricultural conservation easements (PACE) refers to programs that pay property owners for not developing their land. Typically, landowners sell agricultural conservation easements to a government agency or private conservation organization, but retain ownership of the land. The agency or organization usually pays the difference between the value of the land for agriculture and the market value of the land, which is often “highest and best use”.

**Right-to-farm provisions**

Right-to-farm acts attempt to protect farming activities by protecting these activities from nuisance complaints. Typically, there are disclosure requirements that are attached to deeds and/or purchase documents as to the potential for noise, dust, odors, and other inconveniences due to agricultural activity in the area.

**Differential tax assessment, tax incentives**

Increasing property values and the corresponding rise in taxes can have a devastating impact on agricultural productivity. Different property tax relief programs have been developed to maintain ag viability. Differential Assessment programs assess lands enrolled or dedicated to such programs differently than other real property. Typically, the program allows officials to assess farmland at its agricultural use value, rather than its fair market value, which is generally higher. Several states have Circuit Breaker Tax Relief Credits programs that allow farmers to claim state income tax credits to offset their local property tax bills. These programs relieve farmers of real property taxes that exceed a certain percentage of their income.