

JAN 18 2023

S.B. NO. 85

A BILL FOR AN ACT

RELATING TO LAND USE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State and
2 counties have not made effective use of the state rural land use
3 district, one of four districts established by the state land
4 use law in chapter 205, Hawaii Revised Statutes. Currently,
5 there are 10,454 acres in the rural district, which amount to
6 0.3 per cent of all lands in the State, and there are no rural
7 district lands on Oahu. Marginal agricultural lands in the
8 agricultural land use district are being used for rural
9 lifestyle farms and residences with no farm activity, which
10 increases the cost of land in the agricultural district used for
11 bona fide farming operations.

12 The legislature further finds that there is potential for
13 greater use of the rural district to differentiate rural
14 communities and lifestyle farms from working or commercial
15 agricultural lands and to enable better protection of productive
16 agricultural lands and the open space character of Hawaii's
17 rural areas. Redefinition and expansion of the rural district



1 would enable better land use management of existing rural
2 settlements and rural centers and residential dwellings engaged
3 in subsistence or lifestyle agriculture, which are not
4 explicitly permitted in the agricultural district.

5 The office of planning and sustainable development
6 completed a state land use review of districts report in January
7 2022 pursuant to section 205-18, Hawaii Revised Statutes. The
8 review found that the potential for preserving much of Hawaii's
9 open space, rural communities, and working lands may be realized
10 by redefining the policy framework for the rural district and
11 facilitating the reclassification of lands from the agricultural
12 to the rural district to accommodate lower-density rural
13 settlement patterns and subsistence farming lifestyles.

14 Accordingly, the purpose of this Act is to:

- 15 (1) Require the office of planning and sustainable
16 development to perform a study to refine rural
17 district policies and make recommendations to
18 facilitate the reclassification of lands from the
19 agricultural district to the rural district; and
20 (2) Appropriate funds for the study.



1 SECTION 2. The office of planning and sustainable
2 development shall perform a study to assess the rural district
3 framework within the land use law and make recommendations for
4 revisions to rural district policies and permissible uses within
5 the rural district. The study shall include:

6 (1) A legal analysis of regulatory issues and safeguards
7 that must be addressed to facilitate the
8 reclassification of lands from the agricultural
9 district to the rural district; and

10 (2) Recommendations for legislation that would be needed
11 to address the issues and safeguards identified in
12 paragraph (1).

13 SECTION 3. In performing the study required by this Act,
14 the office of planning and sustainable development shall
15 coordinate its efforts with the land use commission, department
16 of agriculture, and county planning departments. The office of
17 planning and sustainable development shall engage community
18 stakeholders, including farming interests and interested members
19 of the general public, in the development of study
20 recommendations.



1 SECTION 4. The office of planning and sustainable
2 development shall submit:

3 (1) An interim report of its findings and recommendations,
4 including any proposed legislation, to the legislature
5 no later than twenty days prior to the convening of
6 the regular session of 2024; and

7 (2) A final report of its findings and recommendations,
8 including any proposed legislation, to the legislature
9 no later than twenty days prior to the convening of
10 the regular session of 2025.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2023-2024 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2024-2025 for the office of planning and sustainable
16 development to perform the study and complete all required
17 reports pursuant to this Act.

18 The sums appropriated shall be expended by the department
19 of business, economic development, and tourism for the purposes
20 of this Act.

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1 SECTION 6. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: *Tracie R. Mowse*



S.B. NO. 85

Report Title:

Office of Planning and Sustainable Development; Land Use; Rural District Study; Appropriation

Description:

Requires the Office of Planning and Sustainable Development to perform a study to refine rural district policies and make recommendations to facilitate the reclassification of lands from the agricultural district to the rural district. Requires reports to the Legislature. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

