
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 small lot
2 subdivisions exist in agricultural districts within each county
3 that may be more appropriately placed within the rural district.
4 Many of these lots were created for speculative purposes before
5 the enactment of the state land use law in 1961.

6 The legislature further finds that the counties have an
7 interest in redistricting these lands as they may contain lots
8 and uses that are non-conforming or of insufficient size to
9 support commercial agricultural use.

10 Therefore, the purpose of this Act is to allow each of the
11 counties a temporary opportunity to petition for the
12 redistricting of land from the agricultural district to the
13 rural district through the land use commission's declaratory
14 ruling process.

15 SECTION 2. (a) Between July 1, 2024, and December 31,
16 2026, the planning commission of any county may petition the
17 land use commission, established by chapter 205, Hawaii Revised



1 Statutes, for redistricting of land from an agricultural
2 district to a rural district; provided that the following
3 requirements are met:

4 (1) The land has been:

5 (A) Developed for single-family residences that are
6 currently in the agricultural district; and

7 (B) Subdivided into lots that are no larger than two
8 acres in size;

9 (2) The land is part of an existing agricultural
10 subdivision consisting of more than twenty subdivided
11 lots;

12 (3) A single-family residence is constructed on each lot,
13 or the lot is part of an agricultural subdivision
14 intended for single-family residential construction;

15 (4) The requirements of chapter 343, Hawaii Revised
16 Statutes, if applicable, are met at the time of
17 redistricting;

18 (5) The redistricting would not adversely affect the
19 ability of neighboring lands to be used for
20 agricultural purposes;



1 (6) The area petitioned for redistricting is supported by
2 the applicable county plan;

3 (7) The applicable county planning commission provides:
4 (A) All affected landowners reasonable notice of the
5 proposed redistricting petition;
6 (B) The public an opportunity to comment on the
7 proposed redistricting petition; and
8 (C) Required due process for district boundary
9 amendments under constitutional and statutory
10 law; and

11 (8) The office of planning and sustainable development
12 shall in every case appear as a party, at both state
13 and county levels, and make recommendations to address
14 state interests and public trust issues.

15 (b) The land use commission shall process petitions under
16 subsection (a) as declaratory rulings within three hundred
17 sixty-five days from the petition being deemed complete. If the
18 land use commission finds that there is insufficient evidence
19 presented by the applicable county planning commission or that
20 significant public trust issues are presented by the petition,
21 the land use commission may:



- 1 (1) Deny the petition in whole or in part; or
- 2 (2) Schedule a contested case hearing on the matter
- 3 consistent with its administrative rules.
- 4 (c) The land use commission shall adopt rules pursuant to
- 5 chapter 91, Hawaii Revised Statutes, to implement this Act.
- 6 SECTION 3. This Act shall take effect on July 1, 3000, and
- 7 shall be repealed on December 31, 2027.



Report Title:

Land Use Commission; County Planning Commissions; Petition; Land Redistricting; Agricultural District; Rural District

Description:

Between 7/1/2024 and 12/31/2026, authorizes each county planning commission to petition for the redistricting of lands from agricultural districts to rural districts through the Land Use Commission's declaratory ruling process. Sunsets 12/31/2027. Effective 7/1/3000. (SD1)

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

