

JAN 19 2024

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 prior
5 to 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 agricultural district to rural
13 district through the land use commission's declaratory ruling
14 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 agricultural district
2 to rural district; provided that the following requirements are
3 met:

4 (1) The land shall have 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 shall be part of an existing agricultural
10 subdivision consisting of more than twenty subdivided
11 lots;

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

16 (4) The requirements of chapter 343, Hawaii Revised
17 Statutes, if applicable, shall have been met at the
18 time of redistricting;

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



1 (6) The applicable county planning commission shall
2 provide:

3 (A) All affected landowners reasonable notice of the
4 proposed redistricting petition; and

5 (B) The public an opportunity to comment on the
6 proposed redistricting petition.

7 (b) The land use commission shall process petitions under
8 subsection (a) as declaratory rulings within three hundred
9 sixty-five days from the petition being deemed complete. If the
10 land use commission finds that there is insufficient evidence
11 presented by the applicable county planning commission or that
12 significant public trust issues are presented by the petition,
13 the commission may:

14 (1) Deny the petition in whole or in part; or

15 (2) Schedule a contested case hearing on the matter
16 consistent with its administrative rules.

17 (c) The land use commission shall adopt rules pursuant to
18 chapter 91, Hawaii Revised Statutes, to implement this Act.

19 SECTION 3. This Act shall take effect on July 1, 2024, and
20 shall be repealed on December 31, 2026.



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INTRODUCED BY:

Ms. A. Hill



S.B. NO. 2838

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 land from the agricultural to the rural district through the land use commission's declaratory ruling process. Sunsets 12/31/2026.

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

