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# 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 rural districts.  
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 lots of insufficient size to  
9 support commercial agricultural use. Currently, the ability of  
10 the counties to ensure the appropriate use of lands within  
11 agricultural districts is inhibited by the need to account for  
12 these non-conforming uses.

13       Therefore, the purpose of this Act is to temporarily allow  
14 each county to petition for the redistricting of land from an  
15 agricultural district to a rural district through the land use  
16 commission's declaratory ruling process.



1       SECTION 2. (a) Between July 1, 2026, and June 30, 2029,  
2 any county, by resolution of its county council, may submit a  
3 petition to the land use commission, established by chapter 205,  
4 Hawaii Revised Statutes, for the redistricting of land from an  
5 agricultural district to a rural district if the following  
6 requirements are met:

7       (1) The land has not been designated as important  
8 agricultural lands pursuant to chapter 205, part III,  
9 Hawaii Revised Statutes;

10       (2) The land has been:

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

13           (B) Subdivided into lots that are no larger than one  
14 acre in size;

15       (3) The land is part of an existing agricultural  
16 subdivision consisting of ten or more contiguous lots;

17       (4) A single-family residence is constructed on each lot,  
18 or the lot is part of an agricultural subdivision  
19 intended for single-family residential construction;



1 (5) The requirements of chapter 343, Hawaii Revised  
2 Statutes, if applicable, are met at the time of  
3 redistricting;

4 (6) The redistricting would not adversely affect the  
5 ability of any lots included within the petition or  
6 any neighboring lands to be used for agricultural  
7 purposes;

8 (7) The area petitioned for redistricting is supported by  
9 the applicable county plan;

10 (8) The applicable county council provides written notice  
11 of the council's public hearing to each owner of each  
12 lot proposed to be included in the petition at least  
13 fifteen days before the hearing; and

14 (9) The office of planning and sustainable development has  
15 reviewed and provided a recommendation on the petition  
16 with regard to the State's interests.

17 (b) The land use commission shall process petitions under  
18 subsection (a) for declaratory order within three hundred sixty-  
19 five days from the petition being deemed complete. If the land  
20 use commission finds that there is insufficient evidence  
21 presented by the applicable county council or that significant



1 public trust issues are presented by the petition, the land use  
2 commission may deny the petition in whole or in part.

3 (c) Lots included in a petition denied by the land use  
4 commission may be considered for inclusion in future county  
5 council petitions submitted within the effective period of  
6 subsection (a).

7 (d) The land use commission shall adopt rules pursuant to  
8 chapter 91, Hawaii Revised Statutes, to implement this Act.

9 SECTION 3. This Act shall take effect on July 1, 3000, and  
10 shall be repealed on June 30, 2029.



**Report Title:**

LUC; Counties; Petition; Redistricting; Declaratory Order

**Description:**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/3000. Sunsets 6/30/2029. (HD1)

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

