
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 the land use
12 commission for a district boundary amendment to reclassify
13 certain lands within the agricultural district to the rural
14 district through the declaratory ruling process.

15 SECTION 2. (a) Between July 1, 2026, and December 31,
16 2028, the planning commission of any county may petition the
17 land use commission for a district boundary amendment to



1 reclassify land within the agricultural district to the rural
2 district; provided that the following requirements are met:

3 (1) The land has been:

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

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

9 (2) A residence, as a first or second farm dwelling, is
10 constructed on each lot, or the lot is part of an
11 agricultural subdivision intended for residential
12 construction, as a first or second farm dwelling;

13 (3) The subject land is not designated as important
14 agricultural lands pursuant to section 205-44.5,
15 Hawaii Revised Statutes;

16 (4) The requirements of chapter 343, Hawaii Revised
17 Statutes, if applicable, are met at the time the
18 petition is made;

19 (5) The district boundary amendment would not adversely
20 affect the ability of neighboring lands to be used for
21 agricultural purposes;



- 1 (6) The area for which a district boundary amendment is
2 petitioned is supported by the applicable county plan;
- 3 (7) The applicable county planning commission provides:
- 4 (A) All affected landowners reasonable notice of the
5 proposed district boundary amendment petition;
- 6 (B) The public an opportunity to comment on the
7 proposed district boundary amendment petition;
8 and
- 9 (C) Notice and an opportunity, including at a
10 minimum: publication of notice of the petition
11 and public hearing in a newspaper of general
12 circulation in the county not less than fourteen
13 days prior to the hearing; mailed or electronic
14 notice to owners of record of property within a
15 reasonable radius of the subject lands, as
16 determined by county ordinance or rule; at least
17 one public hearing before the applicable county
18 planning commission at which oral and written
19 testimony shall be accepted; and a written
20 decision or recommendation that includes findings



1 of fact and conclusions of law sufficient to
2 permit judicial review; and

3 (8) The office of planning and sustainable development
4 shall appear as a party to proceedings before the land
5 use commission; provided that at the county level, the
6 office of planning and sustainable development shall
7 be afforded an opportunity to participate and provide
8 advisory comments, data, and recommendations but shall
9 not be required to intervene as a formal party unless
10 otherwise authorized by law or rule.

11 (b) The land use commission shall process each petition
12 under subsection (a) as a petition for a declaratory order,
13 pursuant to section 91-8, Hawaii Revised Statutes, for a
14 district boundary amendment of the subject land, within three
15 hundred sixty-five days from the date the petition is deemed
16 complete by the land use commission. If the land use commission
17 finds that there is insufficient evidence presented by the
18 applicable county planning commission or that significant public
19 trust issues are presented by the petition, the land use
20 commission may:

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



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

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

5 SECTION 3. This Act shall take effect on July 1, 3000, and
6 shall be repealed on December 31, 2028.



Report Title:

Land Use Commission; County Planning Commissions; District
Boundary Amendment Petition; Agricultural District; Rural
District

Description:

Between 7/1/2026 and 12/31/2028, authorizes each county planning
commission to petition the Land Use Commission for a district
boundary amendment to reclassify certain lands within the
agricultural district to the rural district through the
declaratory ruling process. Repeals 12/31/2028. Effective
7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

