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

15 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§205- County plan-based district boundary amendment
2 proceeding; reclassification from agricultural to rural;
3 temporary authorization. (a) Between July 1, 2026, and
4 December 31, 2028, the applicable planning agency of any county
5 may petition the commission for a district boundary amendment to
6 reclassify land within the agricultural district to the rural
7 district that is consistent with a county's general plan and
8 community development plan land use designations; provided that
9 the following requirements are met:

10 (1) The land has been:

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

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

16 (2) A residence, as a first or second farm dwelling, has
17 been constructed on each lot, or the lot is part of an
18 agricultural subdivision intended for residential
19 construction as a first or second farm dwelling;

20 (3) The subject land is not designated as important
21 agricultural lands pursuant to section 205-44.5;



- 1 (4) The requirements of chapter 343, if applicable, are
2 met at the time the petition is made;
- 3 (5) The district boundary amendment would not adversely
4 affect the ability of neighboring lands to be used for
5 agricultural purposes;
- 6 (6) The area for which a district boundary amendment is
7 petitioned is supported by the applicable county plan
8 and community development plan land use designations;
- 9 (7) The applicable county planning agency provides:
 - 10 (A) All affected landowners reasonable notice of the
11 proposed district boundary amendment petition;
 - 12 (B) The public an opportunity to comment on the
13 proposed district boundary amendment petition;
14 and
 - 15 (C) Procedures for notice and public hearing,
16 including at a minimum: publication of notice of
17 the petition and public hearing in a newspaper of
18 general circulation in the county no less than
19 fourteen days before the hearing; mailed or
20 electronic notice to owners of record of property
21 within a reasonable radius of the subject lands,



1 as determined by county ordinance or rule; at
2 least one public hearing before the applicable
3 county planning agency at which oral and written
4 testimony shall be accepted; and a written
5 decision or recommendation that includes findings
6 of fact and conclusions of law sufficient to
7 permit judicial review; and

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

16 (b) The commission shall process each petition under this
17 section as a petition for a district boundary amendment pursuant
18 to this chapter, including section 205-4, within three hundred
19 sixty-five days from the date the petition is deemed complete by
20 the commission. If the commission finds that there is
21 insufficient evidence presented by the applicable county



1 planning agency or that significant public trust issues are
2 presented by the petition, the commission may:

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

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

6 (c) The commission shall adopt rules pursuant to chapter
7 91 to implement this section."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 3000, and
10 shall be repealed on December 31, 2028; provided that any
11 petition filed with the land use commission pursuant to this Act
12 on or before December 31, 2028, shall be processed and decided
13 in accordance with this Act as if this Act had not been
14 repealed.



Report Title:

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

Description:

Between 7/1/2026 and 12/31/2028, authorizes each county planning agency 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 district boundary amendment process. Repeals 12/31/2028. Effective 7/1/3000. (HD2)

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

