

STATE OF HAWAII OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Wednesday, March 4, 2026

2:00 PM

State Capitol, Conference Room 325

in consideration of
HB 2424, HD 1
RELATING TO LAND USE.

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs.

The Office of Planning and Sustainable Development (OPSD) **supports the intent with a preferred alternative** on HB 2424, HD 1, which allows the counties a temporary opportunity to petition for the redistricting of land from the Agricultural District to the Rural District through the Land Use Commission's (LUC) declaratory order proceeding, provided certain conditions are met.

The OPSD's *State Land Use Review of Districts* (January 2022) found that reclassification of established rural subdivisions and rural centers from the Agricultural to the Rural District could accommodate rural settlement patterns and subsistence farming lifestyles, and better align State and county land use policy that seeks to separate non-farm residential uses from bona fide farming to reduce pressure on Hawai'i's limited productive agricultural lands.

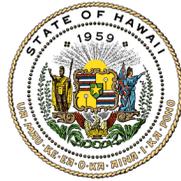
HB 2424, HD 1 proposes to use the LUC's declaratory order process to enable reclassification of land from Agricultural to Rural. However, the LUC's declaratory order process has limited purposes. For example, (a) the process is used to allow the LUC to address the applicability of any statutory provision or of any rule or order of the commission to a specific factual situation; (b) designate lands as important agricultural lands (IAL); or (c) issue a declaratory order to terminate a controversy or to remove uncertainty. It should be noted that for IAL designations, this is a State zoning overlay and does not change the underlying State Land Use District; land situated in the Agricultural District remains in the Agricultural District even after being designated IAL. Thus, the declaratory order process is not an appropriate means to amend State land use district boundaries.

While OPSD supports the bill's intent, OPSD prefers the establishment of a county plan-based district boundary amendment proceeding in HRS Chapter 205 that enables the redistricting of lands to a district that is consistent with a county's general plan and community development plan land use designations.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9560 FAX: (808) 973-9613

WRITTEN ONLY

TESTIMONY OF SHARON HURD CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**WEDNESDAY, MARCH 4, 2026
2:00 PM
CONFERENCE ROOM 325**

**HOUSE BILL NO. 2424, HOUSE DRAFT 1
RELATING TO LAND USE**

Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 2424, House Draft 1. This measure authorizes each county's planning commission to petition the Land Use Commission (Commission) for a district boundary amendment to reclassify certain lands within the Agricultural District to the Rural District through the Commission's declaratory ruling process. This authorization will be in effect from July 1, 2026, through December 31, 2028. The Department of Agriculture and Biosecurity (Department) offers comments.

The Department supports the general concept of reclassifying lands in the Agricultural District that "...are already rural in character and are planned to remain in a rural-like setting" and "based on lower quality soils not conducive to agricultural cultivation, and rural-like low density development patterns either in current use or reflected in county general plans and community development plans." ("State Land Use – Review of Districts", Office of Planning and Sustainable Development, January 28, 2022; pages 136-137).

The Department recommends that the counties who choose to implement the provisions in this measure, should it be enacted, consider concurrent revision of their respective ordinances, plans, and rules affecting the subdivision (or other means of partitioning) of agricultural land to direct the development of large lot estates to the Rural District. This may help reduce the continuing adverse impact that ongoing partitioning of Agricultural District land into lots or units with little, if any, agricultural

Testimony of Sharon Hurd

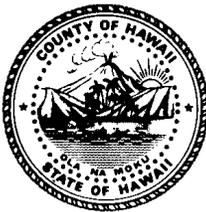
March 4, 2026

Page 2

production, are having on agricultural land values and access to these lands for agricultural production.

Thank you for the opportunity to provide testimony on this measure.

HEATHER L. KIMBALL
COUNCIL DISTRICT 1
(North Hilo, Hāmākua, and portion of
Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAII COUNTY COUNCIL
25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

March 2, 2026

House Committee on Judiciary and Hawaiian Affairs
Honorable Representative David A. Tarnas, Chair
Honorable Representative Mahina Poepoe, Vice Chair
Submission via online testimony only

RE: **Support of HB 2424 – Relating to Land Use**

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:

Mahalo for the opportunity to provide testimony in **SUPPORT of HB 2424**, which relates to land use and providing counties with a temporary opportunity to petition the Hawai'i Land Use Commission for district boundary amendments to reclassify certain qualifying lands from the Agricultural District to the Rural District.

On Hawai'i Island, many small-lot agricultural subdivisions were created prior to the State Land Use Law in 1961. Numerous parcels are already developed or intended for single-family residential use yet remain within the Agricultural District. This has led to land use inconsistencies and regulatory challenges for property owners and surrounding agricultural operations.

HB 2424 establishes a careful and time-limited process, from July 1, 2026, through December 31, 2028, allowing county planning commissions to petition for district boundary amendments through the declaratory ruling process. The bill includes important safeguards like consistency with county plans, environmental review compliance where required, protection of neighboring agricultural lands, public notice and comment, and participation by the Office of Planning and Sustainable Development to address state interests and public trust issues.

This measure does not broadly reclassify agricultural land; instead, it provides a structured pathway to address longstanding legacy subdivisions while maintaining protections for viable agricultural resources.

For these reasons, I respectfully urge passage of House Bill 2424. If you would like to discuss my knowledge of this matter further, please do not hesitate to contact me directly.

Sincerely,

HEATHER L. KIMBALL



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 4, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 2424, HD1
RELATING TO LAND USE

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau provides comments on HB 2424, HD1, which creates a temporary and targeted pathway, effective from July 1, 2026, through December 31, 2028, for county planning commissions to seek reclassification of certain lands from the Agricultural District to the Rural District, subject to review by the Land Use Commission.

HB 2424 seeks to address a narrow, longstanding land-use issue involving legacy subdivisions within the Agricultural District created decades ago, often consisting of small residential lots that were never viable for bona fide agricultural use. These situations can create ongoing enforcement challenges, land use uncertainty, and conflicts between residential uses and nearby agricultural operations.

We recognize that, in certain limited circumstances, reclassification of such lands may be appropriate to reflect existing conditions and reduce conflicts that negatively impact both residents and adjacent farmers. HFB appreciates the amendments made by the WAL Committee, which strengthened public notice and findings requirements at the county level, the continued involvement of the Land Use Commission, and the explicit exclusion of Important Agricultural Lands. These changes help narrow the scope of the measure and reinforce that this is intended to be a temporary and targeted tool, rather than a broader reclassification mechanism.

At the same time, the Hawai'i Farm Bureau remains firmly committed to the preservation of productive agricultural lands. Agricultural land, once lost, is rarely recovered. It is critical that any reclassification process include clear safeguards to prevent productive, viable

agricultural lands from being inadvertently removed from the Agricultural District. Hawai'i's agricultural lands are finite, and once converted, they are rarely restored to production.

If this measure moves forward, we respectfully urge careful implementation to ensure the bill remains narrowly applied and does not create unintended precedent.

We support housing solutions and land-use clarity, but not at the expense of agriculture or long-term food security. With appropriate safeguards and careful implementation, HB 2424, HD1 may provide a limited tool to address legacy land use issues while maintaining the integrity of Hawai'i's agricultural lands.

Thank you for the opportunity to provide comments on this measure.



March 4, 2026

To: Chair David A. Tarnas, Vice Chair Mahina Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs

Subject: **HB2424, HD1 – Relating to Land Use**

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Carlin McFadden, representing the Food+ Policy team. I write in **support of HB2424, HD1**, while offering several recommendations to ensure the measure advances responsible land use planning while continuing to protect Hawai'i's agricultural resources and long-term food security.

Hawai'i's land system still reflects planning decisions made prior to the state land use law of 1961, when many small agricultural subdivisions were created for speculative residential development. As a result, there are areas across the state that remain legally classified within the agricultural district even though they function today as rural residential communities. HB2424, HD1 provides counties with a limited, transparent process to petition the Land Use Commission to reclassify certain legacy subdivisions to the rural district, helping align land use classifications with how these areas are actually used today.

The HD1 version appropriately strengthens the measure by ensuring that **Important Agricultural Lands are excluded from eligibility for reclassification**, helping safeguard Hawai'i's most productive farmland. The bill also improves **public notice, hearing, and due process requirements**, ensuring that communities, neighboring landowners, and agricultural producers have the opportunity to participate in decisions that may affect regional land use patterns.

At the same time, careful implementation will be important to ensure that reclassification does not unintentionally contribute to the gradual loss of land that could still support diversified agriculture, agroforestry, or emerging small-scale food production. Hawai'i currently imports the majority of its food, and maintaining access to viable agricultural land remains critical to building a resilient local food system.

For this reason, we respectfully offer several recommendations as the measure continues to move forward. The Legislature may wish to consider establishing **clearer criteria for qualifying subdivisions**, such as minimum subdivision thresholds or an evaluation of agricultural viability, to ensure that the measure focuses specifically on legacy subdivisions that are no longer suitable for agricultural use. Additionally, incorporating consideration of **regional agricultural impacts and food production potential** during the review process could further align land use decisions with Hawai'i's broader food security goals.

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



**HAWAI'I
FOOD+
POLICY**

Honolulu, HI 96813
food@purplemaia.org

HB2424, HD1 represents a thoughtful effort to address long-standing land use inconsistencies while maintaining safeguards for agricultural lands that remain essential to Hawai'i's future. With continued attention to protecting viable farmland, this measure can help counties responsibly address legacy subdivisions while supporting a more resilient food and land system statewide.

For these reasons, we respectfully **support HB2424, HD1 with the above recommendations** and urge the Committee to advance the measure.

Mahalo for the opportunity to testify.

Carlin McFadden & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

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)

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



HB-2424-HD-1

Submitted on: 3/2/2026 12:12:02 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Oppose and stand on the Sierra Club testimony dated 2/10/26 and because I live in a rural area.

2424 HB RELATING TO LAND USE.