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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 land study bureau of the University of  
2 Hawaii prepared an inventory and evaluation of the State's land  
3 resources during the 1960s and 1970s. The bureau used the  
4 interaction of particular soil properties, topography, and  
5 climate to establish a five-class productivity rating system.  
6 The overall (master) productivity rating evaluates land in its  
7 general productive capacity and not for any specific crop.

8           The legislature finds that in the years since the land  
9 study bureau's inventory and evaluation, issues such as the  
10 effects of climate change and drought and developments in  
11 agricultural technology and processes have raised the question  
12 of whether the five-class productivity rating system remains a  
13 relevant and useful basis for the classification and regulation  
14 of agricultural land. The legislature further finds that for  
15 purposes of fostering a sustainable agricultural economy, the  
16 academic classification of land is less important than the  
17 practical effect that land use policy has on encouraging or



1 suppressing innovative and sustainable application of  
2 agricultural technologies and processes.

3 The purpose of this Act is to direct the office of planning  
4 to investigate the current status of the land study bureau's  
5 five-class productivity rating system, both in statute and as a  
6 driver of land use and agricultural policy, and to make  
7 recommendations regarding the continued relevance of the system  
8 and the potential adoption of an alternative regulatory basis.

9 SECTION 2. (a) The office of planning shall conduct a  
10 study of the five-class productivity rating system developed by  
11 the land study bureau of the University of Hawaii as it applies  
12 to the classification and allowable uses of agricultural land in  
13 the State. Specifically, the office of planning shall:

14 (1) Identify provisions of the Hawaii Revised Statutes,  
15 Hawaii Administrative Rules, and county ordinances  
16 that contain reference to or are dependent upon the  
17 five-class productivity rating system;

18 (2) Investigate how identified statutes, rules, and  
19 ordinances interact within the context of state-wide  
20 land use regulation;

21 (3) Determine the practical effects, both positive and  
22 adverse, of identified statutes, rules, and ordinances



- 1 on the practice of agriculture, use of agricultural  
2 land, and development of a sustainable agricultural  
3 economy in the State;
- 4 (4) Identify and evaluate alternate means of classifying  
5 and regulating the use of agricultural land in the  
6 State available under existing statutes, rules, and  
7 ordinances, including the important agricultural lands  
8 designation pursuant to part III of chapter 205,  
9 Hawaii Revised Statutes;
- 10 (5) Consider issues related to the prudence of allowing  
11 certain nonagricultural uses of agricultural land,  
12 such as renewable energy production, residential uses,  
13 cottage industry, or other innovative and non-  
14 detrimental uses;
- 15 (6) Identify and evaluate alternative means of classifying  
16 and regulating the use of agricultural land used by  
17 other jurisdictions that are similarly situated to  
18 Hawaii and face similar concerns including limited  
19 land availability, diverse topography, availability or  
20 lack of certain natural resources, presence or absence  
21 of infrastructure, and suitability or unsuitability of



1 certain plant and animal species for agricultural  
2 cultivation; and

3 (7) Make recommendations to the legislature regarding an  
4 appropriate course of action for classifying and  
5 regulating the use of agricultural land in the State,  
6 which shall include recommendations for the  
7 preservation, updating, amendment, or discontinuation  
8 of the five-class productivity rating system developed  
9 by the land study bureau of the University of Hawaii.

10 (b) In conducting the study required by subsection (a),  
11 the office of planning shall identify and seek the collaboration  
12 of appropriate state, county, and private agencies and  
13 organizations to:

14 (1) Gather accurate information from varied credible  
15 sources;

16 (2) Ensure the opportunity for broad participation in a  
17 transparent analytical process; and

18 (3) Facilitate the consideration of varied perspectives on  
19 the practical effects of current and proposed  
20 agricultural land classification and regulatory  
21 systems on the practice of agriculture, use of



1 agricultural land, and development of a sustainable  
2 agricultural economy in the State.

3 (c) The office of planning shall submit an interim report,  
4 including its findings and recommendations, to the legislature  
5 no later than twenty days prior to the convening of the regular  
6 session of 2015. The office of planning shall submit a final  
7 report, including its findings, recommendations, and proposed  
8 legislation, if any, to the legislature no later than twenty  
9 days prior to the convening of the regular session of 2016.

10 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Office of Planning; Agricultural Land Use; Study

**Description:**

Requires the Office of Planning to study current and potential alternative systems of classifying and regulating agricultural land and to submit interim and final reports to the legislature.  
(HB1120 HD1)

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

