

JAN 21 2022

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 the State and
2 counties have not made effective use of the state rural land use
3 district, one of four districts established by the state land
4 use law in chapter 205, Hawaii Revised Statutes. Currently,
5 there are 10,454 acres in the rural district, which amount to
6 0.3 per cent of all lands in the State, and there are no rural
7 district lands on Oahu. Marginal agricultural lands in the
8 agricultural land use district are being used for rural
9 lifestyle farms and residences with no farm activity, which
10 increases the cost of land in the agricultural district for bona
11 fide farming operations.

12 The legislature further finds that there is potential for
13 greater use of the rural district to differentiate rural
14 communities and lifestyle farms from working or commercial
15 agricultural lands and to enable better protection of productive
16 agricultural lands and the open space character of Hawaii's
17 rural areas. Redefinition and expansion of the rural district



1 would enable better land use management of existing rural
2 settlements and rural centers and residential dwellings engaged
3 in subsistence or lifestyle agriculture, which are not
4 explicitly permitted in the agricultural district.

5 The office of planning and sustainable development
6 completed a state land use review of districts report pursuant
7 to section 205-18, Hawaii Revised Statutes, in January 2022.

8 The review found that the potential for preserving much of
9 Hawaii's open space, rural communities, and working lands may be
10 realized by redefining the policy framework for the rural
11 district and facilitating the reclassification of lands from the
12 agricultural to the rural district to accommodate lower-density
13 rural settlement patterns and subsistence farming lifestyles.

14 Accordingly, the purpose of this Act is to:

15 (1) Require the office of planning and sustainable
16 development to perform a study to refine rural
17 district policies and make recommendations to
18 facilitate the reclassification of lands from the
19 agricultural district to the rural district; and

20 (2) Appropriate funds for the study.



SECTION 2. The office of planning and sustainable development shall perform a study to assess the rural district framework within the land use law and make recommendations for revisions to rural district policies and permissible uses within the rural district. The study shall include:

(1) A legal analysis of regulatory issues and safeguards that must be addressed to facilitate the reclassification of lands from the agricultural district to the rural district; and

(2) Recommendations for legislation that would be needed to address the issues and safeguards identified in paragraph (1).

SECTION 3. In performing the study required by this Act, the office of planning and sustainable development shall coordinate its efforts with the land use commission, department of agriculture, and county planning departments. The office of planning and sustainable development shall engage community stakeholders, including farming interests and interested members of the general public, in the development of study recommendations.



SECTION 4. The office of planning and sustainable development shall submit:

(1) An interim report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023; and

(2) A final report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the office of planning and sustainable development to perform the study and complete all required reports pursuant to this Act.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.



1 SECTION 6. This Act shall take effect on July 1, 2022.

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INTRODUCED BY: *Ammon L. Snodgrass*



S.B. NO. 2766

Report Title:

Office of Planning and Sustainable Development; Land Use; Rural District Study; Appropriation

Description:

Requires the office of planning and sustainable development to perform a study to refine rural district policies and make recommendations to facilitate the reclassification of lands from the agricultural district to the rural district. Requires reports to the legislature. Appropriates funds.

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