
A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The counties have general plans, and in some
2 cases, community development plans and regional district
3 development plans. These result from long-range planning
4 efforts and have been adopted after local community input. To
5 guide growth and development to areas designated by these county
6 planning documents and to promote the principles of smart growth
7 development, it is often necessary to redistrict land to
8 encourage a more compact development pattern, and to discourage
9 sprawl and leap-frog development.

10 The purpose of this Act is to promote smart growth and to
11 streamline its process by:

12 (1) Allowing land use district boundary amendment
13 petitions to be filed with the county for lands less
14 than fifty acres in the rural and urban districts and
15 agricultural district lands that are not important
16 agricultural lands; and



1 (2) Providing for the consolidation of the boundary
2 amendment process with county proceedings to amend
3 land use maps contained in county plans.

4 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is
5 amended by amending subsections (a), (b), and (c) to read as
6 follows:

7 "(a) District boundary amendments involving lands in the
8 conservation district, land areas greater than [~~fifteen~~] fifty
9 acres, or lands delineated as important agricultural lands shall
10 be processed by the land use commission pursuant to section 205-
11 4.

12 (b) Any department or agency of the State, and department
13 or agency of the county in which the land is situated, or any
14 person with a property interest in the land sought to be
15 reclassified may petition the appropriate county land use
16 decision-making authority of the county in which the land is
17 situated for a change in the boundary of a district involving
18 lands less than [~~fifteen~~] fifty acres presently in the rural and
19 urban districts and lands less than [~~fifteen~~] fifty acres in the
20 agricultural district that are not designated as important
21 agricultural lands.



1 (c) District boundary amendments involving land areas [~~of~~
2 ~~fifteen acres or less, except~~] as provided in subsection (b),
3 shall be determined by the appropriate county land use decision-
4 making authority for the district and shall not require
5 consideration by the land use commission pursuant to section
6 205-4; provided that [~~such~~] the boundary amendments and approved
7 uses are consistent with this chapter. The appropriate county
8 land use decision-making authority may consolidate proceedings
9 to amend state land use district boundaries pursuant to this
10 subsection, with county proceedings to amend [~~the~~]:

- 11 (1) The general plan, [~~development plan, zoning~~];
12 (2) A land use map contained in a county general plan,
13 county community, county development, or county
14 community development plan;
15 (3) Zoning of the affected land[~~, or such~~]; or
16 (4) Any other proceedings.

17 Appropriate ordinances and rules to allow consolidation of
18 [~~such~~] the proceedings may be developed by the county land use
19 decision-making authority."

20 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
21 amended by amending its title and subsection (a) to read as
22 follows:



1 "§205-4 Amendments to district boundaries involving land
2 areas greater than [~~fifteen~~] fifty acres. (a) Any department
3 or agency of the State, any department or agency of the county
4 in which the land is situated, or any person with a property
5 interest in the land sought to be reclassified, may petition the
6 land use commission for a change in the boundary of a district.
7 This section applies to all petitions for changes in district
8 boundaries of lands within conservation districts, lands
9 designated or sought to be designated as important agricultural
10 lands, and lands greater than [~~fifteen~~] fifty acres in the
11 agricultural, rural, and urban districts, except as provided in
12 section 201H-38. The land use commission shall adopt rules
13 pursuant to chapter 91 to implement section 201H-38."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Land Use Commission; Land Reclassification; County

Description:

Allows county land use decision-making authority to reclassify lands not more than fifty acres. Allows for the consolidation of the boundary amendment process with county proceedings to amend land use maps contained in county plans.

