
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Many parts of the State contain pockets of
2 rural communities that are located in the near vicinity of
3 numerous state highways. These unique communities offer a
4 glimpse of what Hawaii was like before the advent of modern
5 subdivisions.

6 Historically, rural communities in the State were self-
7 contained and did not function as a suburb of a major urban
8 center. Commerce and community business was conducted within
9 its boundaries at a personal level and everyone knew their
10 neighbors. There was no need to venture outside of the
11 community, and a trip to the city was usually reserved for
12 special occasions.

13 The legislature believes that rural districts are important
14 to our State, and by creating more rural districts, citizens
15 will look at their land not just as real estate but as precious
16 communities.



1 The purpose of this Act is to allow counties a one-time
2 opportunity to reclassify areas of land into rural land use
3 districts.

4 SECTION 2. (a) There shall be established a one-time,
5 process for a reclassification to rural districts for lands that
6 were classified agricultural prior to June 4, 1976. Before
7 January 1, 2010, the department of agriculture and the office of
8 planning shall submit, after consultation with each county,
9 recommendations for amended rural district boundaries to the
10 land use commission. The recommendations shall be submitted in
11 a report, which shall include maps displaying the proposed new
12 rural district boundaries. The report shall document the:

- 13 (1) Criteria used and the rationale for the proposed
14 district boundaries;
- 15 (2) Process used in developing proposed district
16 boundaries;
- 17 (3) Stakeholders involved in the process; and
- 18 (4) Comments and concerns that were raised during the
19 process.

20 (b) The district boundary amendments proposed under this
21 Act shall be exempt from sections 6E-3, 6E-8, and 6E-42, Hawaii
22 Revised Statutes.



1 (c) Upon receipt of the recommendations pursuant to
2 subsection (a), the land use commission shall conduct at least
3 one public hearing in the county in which the land is located in
4 accordance with chapter 91, Hawaii Revised Statutes, prior to
5 rendering its decision.

6 (d) The land use commission shall decide whether to
7 approve or deny, in whole or in part, the proposed district
8 boundaries within ninety days of receiving the recommendations
9 pursuant to subsection (a). New district boundaries shall not
10 take effect unless approved by two-thirds of the land use
11 commission members.

12 (e) In making its decision, the land use commission shall
13 consider:

14 (1) Whether the proposed reclassification conforms to
15 county general and development plans;

16 (2) Whether the proposed reclassification results in a
17 rural land use and settlement pattern that:

18 (A) Promotes and protects an existing rural
19 community's character and heritage;

20 (B) Provides for compact, mixed-use rural service
21 centers or villages;



- 1 (C) Avoids costly extension of city-like
2 infrastructure and services;
- 3 (D) Accommodates rural, non-farm development in a
4 land-efficient manner; and
- 5 (E) Protects and promotes good agricultural land and
6 agricultural use in the state land use
7 agricultural district;
- 8 (3) The impact of the reclassification on state funds,
9 state resources, and public infrastructure and
10 services; and
- 11 (4) The impact of the reclassification on conservation,
12 historic, archaeological, or cultural resources.
- 13 (f) The land use commission shall document in a report:
- 14 (1) All testimony received at the hearing;
- 15 (2) The reasoning for approving or denying the district
16 boundary amendments;
- 17 (3) Any concerns or issues that the land use commission
18 has regarding the amendments; and
- 19 (4) Information or descriptions required to identify the
20 general boundaries of the new rural district.
- 21 (g) All new district boundaries under this Act shall be
22 adopted on or before June 30, 2010.



1 (h) Any change in the district designation of lands
2 pursuant to this Act shall not invalidate the county zoning of
3 affected parcels. The existing county codes and rules
4 applicable to affected parcels shall remain in effect until the
5 underlying zoning for a parcel is amended by the county or
6 property owner, or the county amends its codes or rules.

7 (i) A change in land use district classification of a
8 parcel resulting from a land use commission decision pursuant to
9 this Act may be appealed to the circuit court of the circuit in
10 which the land is located. The district boundaries and
11 classification of parcels not subject to the appeal shall remain
12 in full force and effect.

13 The appeal shall be filed within thirty days of the date of
14 the land use commission's decision. The appeal shall be in
15 accordance with chapter 91, Hawaii Revised Statutes, and the
16 Hawaii rules of civil procedure.

17 (j) No individual requests for reclassification shall be
18 permitted under this Act. District boundary amendment requests
19 that are not part of the proposed boundary amendments of these
20 proceedings shall be subject to sections 205-3.1 and 205-4,
21 Hawaii Revised Statutes.



1 (k) The land use commission shall have the sole authority
2 to interpret the district boundaries adopted under this Act.

3 (l) Any state or county approval of projects involving a
4 permit, license, certificate, zoning change, subdivision, or
5 other entitlement for use, on lands that are reclassified by the
6 land use commission pursuant to this Act, shall be subject to
7 sections 6E-8 and 6E-42, Hawaii Revised Statutes.

8 (m) For any proposed project involving lands reclassified
9 by the land use commission pursuant to this Act, the applicable
10 state or county agency or officer shall advise the department of
11 land and natural resources of any application involving a
12 permit, license, certificate, land use change, subdivision, or
13 other entitlement for use of lands that may affect threatened or
14 endangered species and their associated ecosystems. The agency
15 or officer shall grant the department of land and natural
16 resources an opportunity for review and comment on the effect of
17 the proposed project on threatened or endangered species and
18 their associated ecosystems prior to any approval.

19 SECTION 3. The department of agriculture shall submit a
20 report to the legislature no later than twenty days prior to the
21 convening of the 2010 regular session on the recommendations



H.B. NO. 2946

1 that it made to the land use commission for amended rural
2 district boundaries pursuant to section 2 of this Act.

3 SECTION 4. This Act shall take effect upon its approval
4 and shall be repealed on December 31, 2010.

5

INTRODUCED BY: Fansong

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

JAN 22 2008

Report Title:

Land Use; Rural Districts; Reclassification

Description:

Allow counties a one-time opportunity to reclassify areas of land into rural land use districts. Sunsets on 12/31/10.

