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# 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. Chapter 205, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§205-           County petition to conform lands to county  
5 plans. A county may petition the commission to reclassify lands  
6 to bring the lands into conformance with county land use maps  
7 contained in the county general plan, county community, county  
8 development, or county community development plans.

9 Notwithstanding any provision to the contrary in this chapter,  
10 any petition filed under this section shall be subject to the  
11 following:

12           (1) Upon proper filing of a petition, the commission  
13 shall, within not less than thirty and not more than  
14 ninety days, conduct at least one hearing on the  
15 appropriate island. Chapter 92 shall apply to the  
16 proceedings, but the petition shall not be subject to  
17 the contested case provisions contained in sections  
18 91-8, 91-9, 91-9.5, 91-10, 91-11, 91-12, 91-13, and



1           91-14. The commission shall decide the petition  
2           solely on matters presented for the record and in  
3           testimony received at the hearing. Ex parte  
4           communications with the members of the commission on  
5           the subject matter of the petition shall be  
6           prohibited;

7           (2) Notwithstanding any other provision to the contrary,  
8           notice of hearings shall be served on the office of  
9           planning, county planning commission, and county  
10           planning department of the county in which the land is  
11           located, and all persons with a property interest in  
12           the land as recorded in the county's real property tax  
13           records. Notice of the hearing shall also be mailed  
14           to all persons who have made a timely written request  
15           for advance notice of boundary amendment proceedings.  
16           Public notice shall be provided at least once in the  
17           county in which the land sought to be reclassified is  
18           situated and at least once statewide at least thirty  
19           days in advance of the hearing. The notice shall  
20           indicate the time and place that maps showing the  
21           proposed district boundary may be inspected and the  
22           date, time, and place where the hearing will be held;



- 1       (3) Notwithstanding any other provision to the contrary,  
2       the commission and its staff may view and inspect any  
3       land that is the subject of the application prior to a  
4       hearing on the petition;
- 5       (4) The commission may take action separately on proposed  
6       boundary amendments contained within the petition or  
7       act on the petition as a whole. No boundary amendment  
8       shall be approved unless the commission finds upon the  
9       clear preponderance of the evidence that the proposed  
10       boundary amendment is reasonable, not violative of  
11       section 205-2 and consistent with the policies and  
12       criteria established pursuant to sections 205-16 and  
13       205-17(1) and (2). Six affirmative votes of the  
14       commission shall be necessary to enact a boundary  
15       amendment under this section;
- 16       (5) Within three hundred sixty-five days after the proper  
17       filing of a petition, the commission shall either  
18       approve or deny the petition as a whole, approve the  
19       petition subject to conditions, in whole or in part,  
20       or deny the petition, in whole or in part. Any land  
21       that is denied reclassification under this section may  
22       be the subject of a petition under sections 205-3.1 or



1           205-4, as applicable, after six months from the date  
2           of denial; and  
3       (6) Any subsequent county rezoning of property that is the  
4           subject of a boundary amendment under this section  
5           shall contain conditions that address the concerns of  
6           section 205-17(3). The counties shall give the  
7           appropriate state agencies the opportunity to comment  
8           upon any such rezoning action. The rezoning process  
9           shall incorporate the requirements for the protection  
10          of historic sites and burials contained in  
11          sections 6E-42 and 6E-43, and any rules adopted  
12          thereunder, provided that any applicable studies shall  
13          be done in the rezoning process, and not during the  
14          periodic boundary amendment process."

15           SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is  
16 amended by amending subsection (c) to read as follows:

17           "(c) District boundary amendments involving land areas of  
18 fifteen acres or less, [~~except as~~] unless provided otherwise in  
19 subsection (b), shall be determined by the appropriate county  
20 land use decision-making authority for the district and shall  
21 not require consideration by the land use commission pursuant to  
22 section 205-4; provided that [~~such~~] the boundary amendments and



1 approved uses are consistent with this chapter. The appropriate  
 2 county land use decision-making authority may consolidate  
 3 proceedings to amend state land use district boundaries pursuant  
 4 to this subsection, with county proceedings to amend the general  
 5 plan, [~~development plan,~~] the land use map contained in a county  
 6 general plan, the county community, county development, or  
 7 county community development plan, the zoning of the affected  
 8 land, or [~~such~~] any other proceedings. Appropriate ordinances  
 9 and rules to allow consolidation of [~~such~~] the proceedings may  
 10 be developed by the county land use decision-making authority."

11 SECTION 3. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

Shawn & De

Alonso Segura

AMU

Bob Johnson

Melie Canale

J. Phil. Hines

Cindy Evans

Karen Canale

Calvin K. By

Clayton

James

JAN 23 2008



**Report Title:**

Land Use Commission

**Description:**

Establishes expedited procedures before the Land Use Commission for counties to reclassify lands to conform to county land uses in county plans.

