

JAN 19 2007

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

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

12           The legislature believes that rural districts are important  
13 to our State, and by creating more rural districts, citizens  
14 will look at their land not just as real estate but as precious  
15 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. Each  
7 county, with the assistance of the office of planning, may  
8 submit recommendations for amended rural district boundaries to  
9 the land use commission. The recommendations shall be submitted  
10 in the form of a report and shall include maps displaying the  
11 proposed new rural district boundaries. The report shall  
12 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 raised during the process.
- 19           (b) The district boundary amendments proposed under this
- 20 section shall be exempt from sections 6E-3, 6E-8, and 6E-42,
- 21 Hawaii Revised Statutes.



1 (c) Upon receipt of each county's recommendations, the  
2 land use commission shall conduct at least one public hearing in  
3 accordance with chapter 91, Hawaii Revised Statutes. The  
4 hearing shall be in the county where the land is located prior  
5 to the land use commission's 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 county's report.

9 New district boundaries shall be approved by two-thirds of  
10 the land use commission members.

11 All new district boundaries shall be adopted on or before  
12 June 30, 2010.

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

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

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

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

21 (B) Provides for compact, mixed-use rural service  
22 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 hearing;
- 15 (2) The reasoning for approving or denying the boundary  
16 amendments;
- 17 (3) All 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) Any change in the district designation of lands  
22 pursuant to this section shall not invalidate the county zoning



1 of affected parcels. The existing county codes and rules  
2 applicable to affected parcels shall remain in effect until such  
3 time as the underlying zoning for a parcel is amended by the  
4 county or property owner, or the county amends its codes.

5 (h) A change in land use district classification of a  
6 parcel or parcels resulting from a land use commission decision  
7 pursuant to this section may be appealed to the circuit court of  
8 the circuit in which the land in question is found. The  
9 district boundaries and classification of parcels not subject to  
10 the appeal shall remain in full force and effect.

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

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

20 (j) The land use commission shall have the sole authority  
21 to interpret the district boundaries adopted under this Act.



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

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

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

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INTRODUCED BY: Russell Kohl

*Handwritten signatures:*  
 - Large signature on the left: *Hapi-goh*  
 - Signature below it: *James Orenado*  
 - Signature below that: *Will Sykes*  
 - Signature below that: *Norman Sakamoto*  
 - Signature below that: *Jim*  
 - Signature below that: *David J. ...*  
 - Signature below that: *Mark ...*

**Report Title:**

Land Use; Rural Districts; One-Time Reclassification

**Description:**

Allow counties a one-time opportunity to reclassify areas of land into rural land use districts.

