
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 supports county rule in the
2 land use reclassification process. In making amendments to
3 county general plans, the counties are inclusive, holding many
4 public hearings. Amendments to a county general plan are voted
5 on by appointed commissions as well as elected legislative
6 bodies. Consequently, counties tend to conduct more community
7 outreach than the land use commission.

8 The purpose of this Act is to facilitate the land use
9 classification process when adopting amendments to a county
10 general plan.

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

14 "§205- County general plan; amendments; commission
15 approval. Notwithstanding any other law to the contrary, when
16 making amendments pursuant to chapter 205 to a county general
17 plan or county development plan as defined in section 226-2, to
18 reclassify agricultural, rural, or urban land parcels that are



1 fifteen acres or less, the county may file a petition with the
 2 commission for a declaratory order to approve the
 3 reclassification. Upon the granting of the declaratory order by
 4 the commission, the reclassification contained in the amended
 5 county general plan shall take immediate effect."

6 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
 7 amended by amending subsection (a) to read as follows:

8 "(a) Any department or agency of the State, any department
 9 or agency of the county in which the land is situated, or any
 10 person with a property interest in the land sought to be
 11 reclassified, may petition the land use commission for a change
 12 in the boundary of a district. This section applies to all
 13 petitions for changes in district boundaries of lands within
 14 conservation districts, lands designated or sought to be
 15 designated as important agricultural lands, and lands greater
 16 than fifteen acres in the agricultural, rural, and urban
 17 districts, except as provided in [~~section~~] sections 205- and
 18 201H-38. The land use commission shall adopt rules pursuant to
 19 chapter 91 to implement section 201H-38."

20 SECTION 4. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.

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



Report Title:

Land Use Commission; County General Plan; Reclassification

Description:

Allows counties to seek declaratory ruling from the land use commission for reclassification of lands under a county general plan or county development plan. Specifies that changes to the general plan take effect immediately upon approval of the reclassification by the land use commission. (HB2419 HD1)

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