
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 enacted the state land use
2 commission law in 1961 due to the perception that inadequate
3 controls allowed many of Hawaii's limited and valuable lands to
4 be used for the short-term gain of a few, resulting in a long-
5 term loss to the growth and potential of Hawaii's economy.

6 The legislature finds that over the past half century,
7 various commissions and task forces have reviewed the state land
8 use commission chapter to ensure proper conservation, control,
9 and development of resources.

10 The purpose of this Act is to provide guidance and
11 clarification to chapter 205, Hawaii Revised Statutes, by
12 requiring the counties to petition the land use commission for
13 regional district boundary amendments needed after adopting
14 updates to their general plan and requiring the land use
15 commission to conduct the five-year boundary amendment reviews.

16 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "§205-3.1 Amendments to district boundaries. (a)
2 District boundary amendments involving lands in the conservation
3 district, land areas greater than fifteen acres, or lands
4 delineated as important agricultural lands shall be processed by
5 the land use commission pursuant to section 205-4.

6 (b) Any department or agency of the State, and department
7 or agency of the county in which the land is situated, or any
8 person with a property interest in the land sought to be
9 reclassified may petition the appropriate county land use
10 decision-making authority of the county in which the land is
11 situated for a change in the boundary of a district involving
12 lands less than fifteen acres presently in the rural and urban
13 districts and lands less than fifteen acres in the agricultural
14 district that are not designated as important agricultural
15 lands.

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



1 are consistent with this chapter. The appropriate county land
2 use decision-making authority may consolidate proceedings to
3 amend state land use district boundaries pursuant to this
4 subsection, with county proceedings to amend the general plan,
5 development plan, zoning of the affected land, or such other
6 proceedings. Appropriate ordinances and rules to allow
7 consolidation of such proceedings may be developed by the county
8 land use decision-making authority.

9 (d) The county land use decision-making authority shall
10 serve a copy of the application for a district boundary
11 amendment to the land use commission and the department of
12 business, economic development, and tourism and shall notify the
13 commission and the department of the time and place of the
14 hearing and the proposed amendments scheduled to be heard at the
15 hearing. A change in the state land use district boundaries
16 pursuant to this subsection shall become effective on the day
17 designated by the county land use decision-making authority in
18 its decision. Within sixty days of the effective date of any
19 decision to amend state land use district boundaries by the
20 county land use decision-making authority, the decision and the
21 description and map of the affected property shall be



1 transmitted to the land use commission and the department of
2 business, economic development, and tourism by the county
3 planning director.

4 (e) After the completion of county proceedings to amend
5 its general plan, and adoption by the county council, each
6 county shall submit the general plan to the land use commission
7 for review and petition the commission to approve any boundary
8 amendments as may be required under subsection (a), to be
9 processed pursuant to section 205-4."

10 SECTION 3. Section 205-18, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§205-18 Periodic review of districts. The [~~office of~~
13 ~~planning~~] commission shall undertake a review of the
14 classification and districting of all lands in the State, within
15 five years from December 31, [~~1985,~~] 2016 and every fifth year
16 thereafter. The [~~office,~~] commission in its five-year boundary
17 review, shall focus its efforts on reviewing the Hawaii state
18 plan, county general plans, and county development and community
19 plans. Upon completion of the five-year boundary review, [~~the~~
20 ~~office shall submit a report of the findings to~~] the
21 commission[~~. The office~~] may initiate state land use boundary



1 amendments [~~which~~] that it deems appropriate to conform to these
2 plans. The [~~office~~] commission may seek assistance of
3 appropriate state and county agencies and may employ consultants
4 and undertake studies in making this review."

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

State Land Use Commission; Zoning; Boundary Amendments

Description:

Requires the counties to petition LUC to reclassify lands.
Requires LUC to conduct the five year regional boundary change review. (HB2617 HD1)

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