
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "(a) District boundary amendments involving lands in the
4 conservation district, land areas greater than fifteen acres, or
5 lands delineated as important agricultural lands shall be
6 processed by the land use commission pursuant to section 205-
7 4[-], except amendments involving lands in the urban district as
8 provided in subsection (c).

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



1 agricultural lands[-], except amendments involving lands in the
2 urban district as provided in subsection (c).

3 (c) District boundary amendments involving land in the
4 urban district, regardless of acreage involved or whether the
5 amendment changes the boundary of the agricultural or rural
6 district, shall be determined exclusively by the county in which
7 the land is located; provided that any amendment that changes
8 the boundary of the conservation district shall be determined
9 pursuant to subsection (a). The appropriate county shall amend
10 the boundary of the urban district by ordinance pursuant to the
11 zoning powers granted under section 46-4.

12 ~~[-(c)]~~ (d) District boundary amendments involving land
13 areas of fifteen acres or less, except as provided in
14 ~~[subsection]~~ subsections (b) [7] and (c), shall be determined by
15 the appropriate county land use decision-making authority for
16 the district and shall not require consideration by the land use
17 commission pursuant to section 205-4; provided that [such] the
18 boundary amendments and approved uses are consistent with this
19 chapter. The appropriate county land use decision-making
20 authority may consolidate proceedings to amend state land use
21 district boundaries pursuant to this subsection, with county



1 proceedings to amend the general plan, development plan, zoning
2 of the affected land, or [~~such~~] other proceedings. Appropriate
3 ordinances and rules to allow consolidation of [~~such~~] these
4 proceedings may be developed by the county land use decision-
5 making authority.

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



1 SECTION 2. Section 205-4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any department or agency of the State, any department
4 or agency of the county in which the land is situated, or any
5 person with a property interest in the land sought to be
6 reclassified, may petition the land use commission for a change
7 in the boundary of a district. This section applies to all
8 petitions for changes in district boundaries of lands within
9 conservation districts, lands designated or sought to be
10 designated as important agricultural lands, and lands greater
11 than fifteen acres in the agricultural[~~7~~] and rural[~~7~~ and ~~urban~~]
12 districts, except as provided in [~~section~~] sections 201H-38[~~7~~]
13 and 205-3.1(c). The land use commission shall adopt rules
14 pursuant to chapter 91 to implement section 201H-38."

15 SECTION 3. Section 205-50, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Any land use district boundary amendment or change in
18 zoning involving important agricultural lands identified
19 pursuant to this chapter, except boundary amendments involving
20 lands in the urban district, shall be subject to this section."



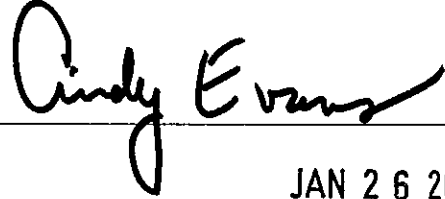
H.B. NO. 802

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:



JAN 26 2015



H.B. NO. 802

Report Title:

Land Use; District Boundary Amendments; Urban District; Counties

Description:

Provides the counties with exclusive authority to amend district boundaries for lands in the urban district.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

