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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. The legislature finds that Hawaii's law use law  
2 was enacted, as stated in Act 187, Session Laws of Hawaii 1961,  
3 "to preserve, protect and encourage the development of the lands  
4 in the State for those uses to which they are best suited for  
5 the public welfare . . . ." Under the law, the land use  
6 commission groups contiguous land areas into one of the four  
7 land use districts: urban, rural, agricultural, and  
8 conservation.

9           The legislature also finds that the Zoning Enabling Act,  
10 contained in section 46-4, Hawaii Revised Statutes, directs that  
11 future development of the counties be accomplished within the  
12 framework of a long-range, comprehensive general plan. The  
13 regulation of development within a county is a county function,  
14 accomplished through the regulation of the use of land through a  
15 zoning ordinance, which is valid as long as it does not conflict  
16 with the land use law, which is a law of statewide concern.

17           In establishing or regulating districts, the counties:



1 (1) Are required, pursuant to section 46-4, Hawaii Revised  
2 Statutes, to give "full consideration" to "all  
3 available data relating to soil classification and  
4 physical capabilities of the land to allow and  
5 encourage the most beneficial use of the land  
6 consonant with good zoning practices"; and

7 (2) Hold public hearings on proposals to adopt or amend  
8 the county general plan, development plans, and zoning  
9 ordinances.

10 The legislature further finds that reparations of the  
11 county general plan and development plans provide the  
12 opportunity for the receipt of input from all governmental and  
13 non-governmental agencies and the general public; and the  
14 discovery of any problems relating to the future development of  
15 the county.

16 The legislature intends for this Act to serve as an  
17 acknowledgement of the time spent and the efforts made by the  
18 counties in developing their general and development plans.

19 The purpose of this Act is to:

20 (1) Authorize the counties to petition the land use  
21 commission for regional boundary amendments required



1 by the adoption of the county general plan or  
2 development plans; and

3 (2) Require the land use commission to conduct the five-  
4 year boundary review.

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

7 "§205-3.1 Amendments to district boundaries. (a)

8 District boundary amendments involving lands in the conservation  
9 district, land areas greater than fifteen acres, or lands  
10 delineated as important agricultural lands shall be processed by  
11 the land use commission pursuant to section 205-4.

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



1 (c) District boundary amendments involving land areas of  
2 fifteen acres or less, except as provided in subsection (b),  
3 shall be determined by the appropriate county land use decision-  
4 making authority for the district and shall not require  
5 consideration by the land use commission pursuant to section  
6 205-4; provided that such boundary amendments and approved uses  
7 are consistent with this chapter. The appropriate county land  
8 use decision-making authority may consolidate proceedings to  
9 amend state land use district boundaries pursuant to this  
10 subsection, with county proceedings to amend the general plan,  
11 development plan, zoning of the affected land, or such other  
12 proceedings. Appropriate ordinances and rules to allow  
13 consolidation of such proceedings may be developed by the county  
14 land use decision-making authority.

15 (d) The county land use decision-making authority shall  
16 serve a copy of the application for a district boundary  
17 amendment to the land use commission and the department of  
18 business, economic development, and tourism and shall notify the  
19 commission and the department of the time and place of the  
20 hearing and the proposed amendments scheduled to be heard at the  
21 hearing. A change in the state land use district boundaries



1 pursuant to this subsection shall become effective on the day  
2 designated by the county land use decision-making authority in  
3 its decision. Within sixty days of the effective date of any  
4 decision to amend state land use district boundaries by the  
5 county land use decision-making authority, the decision and the  
6 description and map of the affected property shall be  
7 transmitted to the land use commission and the department of  
8 business, economic development, and tourism by the county  
9 planning director.

10 (e) After the adoption its amended general plan and  
11 development plans and approval by the mayor, the county land use  
12 decision-making authority may petition the land use commission  
13 for approval of any land use boundary amendments required by the  
14 amended general plan or development plans."

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

17 "§205-18 Periodic review of districts. The [~~office of~~  
18 ~~planning~~] commission shall undertake a review of the  
19 classification and districting of all lands in the State, within  
20 five years from December 31, [~~1985,~~] 2016, and every fifth year  
21 thereafter. The [~~office,~~] commission, in its five-year boundary



1 review, shall focus its efforts on reviewing the Hawaii state  
 2 plan, county general plans, and county development and community  
 3 plans. Upon completion of the five- year boundary review, the  
 4 ~~[office shall submit a report of the findings to the]~~  
 5 commission~~[-. The office]~~ may initiate state land use boundary  
 6 amendments ~~[which]~~ that it deems appropriate to conform to these  
 7 plans. The ~~[office]~~ commission may seek assistance of  
 8 appropriate state and county agencies and may employ consultants  
 9 and undertake studies in making this review."

10 SECTION 4. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

*[Handwritten signatures of the bill's authors, including names like 'Gregory T. ...', 'James ...', 'Gina de ...', 'Samuel ...', 'Nicole E. ...', 'Cindy Evans', and 'Catherine ...']*



# H.B. NO. 517

**Report Title:**

Land Use Commission; Boundary Amendments; Boundary Review

**Description:**

Authorizes the counties to petition the land use commission for regional boundary amendments required by the adoption of the county general plan or development plans. Requires the land use commission to conduct the 5-year boundary review.

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

