

JAN 21 2022

A BILL FOR AN ACT

RELATING TO STATE LAND USE DISTRICTS.

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

1 SECTION 1. The legislature finds that certain lands in
2 Hawaii are classified as urban district lands at the state land
3 use district boundary level but are designated by the counties
4 as lands within the preservation or agricultural zoning
5 districts. For example, in the early 1960s, to accommodate the
6 projected increase in its population with the sugar cane
7 industry still thriving in the Ewa region, the city and county
8 of Honolulu directed its urban development to the Koolau Poko
9 region. Heeia was planned to become a resort area with a golf
10 course and marina surrounded by multi- and single-family homes.
11 Development of a nuclear power plant was also considered for
12 Heeia as well as a possible industrial zone in Kahaluu in
13 competition with Campbell Industrial Park. However, after
14 facing strong community opposition and the peaking of the sugar
15 cane industry, the city and county of Honolulu revised its
16 general plan in 1977, redirecting development to its primary
17 urban center and the Ewa region.



1 Today, the city and county of Honolulu's general plan for
2 population distribution is to facilitate the full development of
3 its primary urban center and encourage development within the
4 secondary urban center at Kapolei and the urban-fringe areas of
5 the Ewa and Central Oahu regions to relieve developmental
6 pressures in the remaining urban-fringe and rural areas and to
7 meet housing needs not readily provided in the primary urban
8 center.

9 The legislature also finds that the Koolau Poko region is
10 expected to experience essentially no growth over the twenty-
11 five-year projection horizon of the sustainable communities plan
12 for that region, which was adopted by the city and county of
13 Honolulu in 2017. The vision for Koolau Poko's future is shaped
14 around the protection of its natural, scenic, cultural,
15 historic, and agricultural resources, and the potential for
16 expansion of the region's housing stock, commercial centers, and
17 economic activity are limited.

18 The legislature further finds that as remnants of the city
19 and county of Honolulu's plans to direct development to Koolau
20 Poko in the 1960s, certain land in Heeia and Kahaluu that are
21 within the county's preservation or agricultural zoning



1 districts are classified as urban districts at the state land
2 use district boundary level.

3 The purpose of this Act is to correct the inconsistencies
4 between the land use district classifications at the state level
5 and the zoning district designations at the county level by
6 requiring the state land use district boundaries of lands that
7 are classified as state urban district lands but are located
8 within the county's preservation or agricultural zoning
9 districts to be amended or reverted to the state conservation
10 district or the state agricultural district, as applicable, to
11 conform to the zoning district classifications designated by the
12 county in which the land is situated.

13 SECTION 2. (a) Notwithstanding any other law to the
14 contrary, state land use district boundaries for lands
15 classified as state urban district lands but located within the
16 preservation or agricultural zoning districts of the county in
17 which the land is situated shall be amended or reverted to the
18 state conservation district or the state agricultural district,
19 as applicable, to conform to the zoning district classifications
20 designated by the county, provided that:



1 (1) District boundary amendments or reversion of district
2 boundaries for land areas greater than fifteen acres
3 shall be processed by the land use commission pursuant
4 to section 205-4, Hawaii Revised Statutes;

5 (2) District boundary amendments or reversion of district
6 boundaries for land areas of fifteen acres or less
7 shall be determined by the county land use decision-
8 making authority of the county in which the land is
9 situated consistent with chapter 205, Hawaii Revised
10 Statutes, and the applicable zoning ordinances, codes,
11 and rules of the county;

12 (3) The amendment or reversion of state land use district
13 boundaries pursuant to this section shall not result
14 in spot zoning that is inconsistent with the general
15 plan of the county in which the land is situated;

16 (4) In the event a person with a property interest in land
17 that is subject to an amendment or reversion of its
18 state district boundary under this Act has
19 substantially commenced use of the land in accordance
20 with the person's representations pertaining to the
21 person's use of the land to the land use commission or



1 the county land use decision-making authority, as
2 applicable, the land use commission and the county
3 land use decision-making authority shall follow the
4 applicable procedures and decision-making criteria
5 under section 205-4, Hawaii Revised Statutes, or the
6 applicable zoning ordinances, codes, and rules of the
7 county, respectively, including providing the affected
8 person with notice and opportunity to participate in a
9 hearing held for the proposed district boundary
10 amendment or reversion;

11 (5) A person with a property interest in the land of which
12 the state land use district boundary was amended or
13 reverted pursuant to this Act, who was a party to the
14 hearing therefor pursuant to paragraph (3), may appeal
15 the decision of the land use commission or the county
16 land use decision-making authority to the circuit
17 court of the circuit in which the land is situated;
18 provided that the appeal shall be made pursuant to the
19 Hawaii rules of civil procedure; and

20 (6) The office of planning and sustainable development
21 shall provide the land use commission and the county



1 land use decision-making authorities with information
2 necessary to carry out the purposes of this Act.

3 (b) For the purposes of this Act, unless otherwise
4 required by the context:

5 "Agricultural zoning district" includes the agricultural,
6 agriculture, and intensive agricultural districts of the
7 counties, as applicable;

8 "County" means the city and county of Honolulu and the
9 counties of Hawaii, Kauai, and Maui; provided that the county of
10 Maui shall include the county of Kalawao;

11 "Preservation zoning district" includes the open and open-
12 spaced districts of the counties, as applicable; and

13 "Spot zoning" means amending the state land use district
14 boundary of a particular parcel of land or a portion thereof
15 without regard for the state land use district of the larger
16 area surrounding the land.

17 SECTION 3. The amendment or reversion of state land use
18 district boundaries pursuant to section 2 of this Act shall
19 begin with lands located in Heeia and Kahaluu of the city and
20 county of Honolulu, identified by Tax Map Key Zone 4, Sections 2
21 through 9.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Signature]



S.B. NO. 2531

Report Title:

State Land Use District Boundary Amendment; County Zoning Districts; State Urban District; State Conservation District; State Agricultural District; Land Use Commission; County Land Use Decision-Making Authority

Description:

Requires that lands classified as state urban district lands but located within the preservation or agricultural zoning districts as designated by the county in which the land is situated be amended or reverted to the state conservation district or the state agricultural district, as applicable, to conform to the zoning district classifications designated by the county. Requires the district boundary amendment and reversion process under the Act to start with lands in Heeia and Kahaluu in the City and County of Honolulu.

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

