
A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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 "**§205-3.1 Amendments to district boundaries.** (a)
4 District boundary amendments involving lands in the conservation
5 district, land areas greater than fifteen acres, or lands
6 delineated as important agricultural lands shall be processed by
7 the land use commission pursuant to section 205-4[~~7~~], except as
8 otherwise provided in this section.

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 and lands less than fifteen acres in the agricultural



1 district that are not designated as important agricultural
2 lands.

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

17 (d) An application for a district boundary amendment
18 involving a land area over fifteen acres, except for lands that
19 are designated as important agricultural lands or lands where
20 the soil is classified by the land study bureau's detailed land
21 classification as overall (master) productivity class A or B,



1 shall be determined by the appropriate county land use decision-
2 making authority for the district and shall not require
3 consideration by the land use commission if, by the date of the
4 application, the county has adopted an ordinance that:

- 5 (1) Establishes a procedure for determining such district
6 boundary amendments;
- 7 (2) Requires the county to own and retain ownership of the
8 land area for at least ninety-nine years;
- 9 (3) Requires that one hundred per cent of the land area be
10 used for affordable housing as defined by county
11 ordinance;
- 12 (4) Requires the district boundary amendment and approved
13 uses to be consistent with the applicable county
14 general plan or community development plan;
- 15 (5) Requires the county to complete and incorporate
16 mitigation of the impact on county and state
17 resources, including schools and highways; provided
18 that mitigation efforts under this paragraph shall be
19 approved by the appropriate department; and
- 20 (6) Incorporates due process into the procedure for
21 determining district boundary amendments pursuant to



1 paragraph (1) pursuant to all state laws and the
2 public trust doctrine.

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

19 SECTION 2. Section 205-4, Hawaii Revised Statutes, is
20 amended by amending its title and subsection (a) to read as
21 follows:



1 "§205-4 Amendments to district boundaries [involving land
2 areas greater than fifteen acres]; proceedings before the land
3 use commission. (a) Any department or agency of the State, any
4 department or agency of the county in which the land is
5 situated, or any person with a property interest in the land
6 sought to be reclassified, may petition the land use commission
7 for a change in the boundary of a district. This section
8 applies to all petitions for changes in district boundaries of
9 lands within conservation districts, lands designated or sought
10 to be designated as important agricultural lands, and lands
11 greater than fifteen acres in the agricultural, rural, and urban
12 districts, except as provided in [~~section~~] sections 201H-38[~~+~~]
13 and 205-3.1(d). The land use commission shall adopt rules
14 pursuant to chapter 91 to implement section 201H-38."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Counties; District Boundary Amendments; County Ordinances;
Affordable Housing

Description:

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres, except lands that are designated as important agricultural land or lands where the soil is classified by the land study bureau's detailed land classification as overall (master) productivity class A or B if the county has adopted an ordinance that meets certain requirements. Effective 7/1/3000. (HD1)

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