

JAN 23 2025

A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The office of planning and sustainable
2 development's 2022 State Land Use Review of Districts confirmed
3 that 65,792 acres or approximately 1.6 per cent of the total
4 lands in the State are situated within county-designated urban
5 growth areas but are not classified as state urban district.
6 This discrepancy is primarily due to the incongruence between
7 the county long-range land use planning process and the State's
8 land use process. Under the authority set forth in chapters 46
9 and 226, Hawaii Revised Statutes, the counties prepare general
10 plans and community development plans that provide a long-range
11 vision to guide the growth and development of their individual
12 counties. These plans are adopted after extensive local
13 community and stakeholder input in the preparation of the plans.

14 The county quasi-legislative long-range planning processes
15 are different from the contested case district boundary
16 amendment processes, but each process reaches a similar goal,
17 i.e., identifying land for its appropriate use. Allowing the
18 counties to reclassify state land use district boundaries to

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1 conform to their established general and community development
2 plans would streamline development, including housing
3 production, in areas where the counties can and wish to support
4 growth, as well as protect areas that are intended for
5 agricultural purposes.

6 The purpose of this Act is to allow the county land use
7 decision-making authorities to process district boundary
8 amendments to align state land use district boundaries with
9 conforming land use designations contained in adopted county
10 land use plans.

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

13 **"§205-3.1 Amendments to district boundaries. (a)**

14 District boundary amendments involving lands in the conservation
15 district, land areas greater than fifteen acres^[7] except as
16 provided in subsection (c), or lands delineated as important
17 agricultural lands shall be processed by the land use commission
18 pursuant to section 205-4.

19 (b) Any department or agency of the State, and department
20 or agency of the county in which the land is situated, or any
21 person with a property interest in the land sought to be
22 reclassified may petition the appropriate county land use

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1 decision-making authority of the county in which the land is
2 situated for a change in the boundary of a district involving
3 ~~[lands less than fifteen acres]~~ land areas of fifteen acres or
4 less presently in the rural and urban districts ~~[and lands less~~
5 ~~than fifteen acres]~~ or land areas of fifteen acres or less in
6 the agricultural district that are not designated as important
7 agricultural lands.

8 (c) Any county planning agency of the county in which the
9 land is situated may petition the appropriate county land use
10 decision-making authority for a change in the boundary of a
11 district involving lands greater than fifteen acres so as to
12 conform with the county's general plan or development plan.

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

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

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

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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

6

BY REQUEST

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Report Title:

Land Use; Land Use District Boundary Amendments

Description:

Authorizes county petition process for review and approval of land use district boundary amendments based on adopted county general plans or county development plans.

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

JUSTIFICATION SHEET

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DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO LAND USE.

PURPOSE: To authorize county review and approval of district boundary amendments based on land use designations in adopted county plans.

MEANS: Amend section 205-3.1, Hawaii Revised Statutes.

JUSTIFICATION: According to the Office of Planning and Sustainable Development's 2022 "State Land Use Review of Districts," 65,792 acres or approximately 1.6 percent of the total lands in the State are situated within county-designated urban growth areas but are not classified as State Urban District. This discrepancy is primarily due to the incongruence between the county long-range land use planning process and the State's land use process. County general plans and community development plans undergo rigorous multi-year review and extensive land-use and community analysis. For example, the County of Kauai's General Plan, adopted in 2018, included six technical studies and an inclusive public engagement program involving thousands in meetings, workshops, social media, surveys, and a citizen advisory committee to inform the Plan's vision, goals, policies, objectives and actions. The County of Maui, the County of Hawaii, and the City and County of Honolulu similarly conduct in-depth and comprehensive socioeconomic, land use and infrastructure technical studies along with extensive agency and community involvement processes in updating their general plans and community development plans.

The county quasi-legislative long-range planning processes are different from the

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contested case DBAs, but each process reaches a similar goal, i.e., identifying land for housing production or preservation. Allowing the counties to reclassify State Land Use District boundaries to conform to their established general and community development plans would streamline development, including housing production, in areas where the counties can and wish to support growth, as well as protect areas that they intend for agricultural purposes.

Impact on the public: This bill will facilitate boundary amendments initiated by the counties that are intended to align State and county land use policies based on adopted county land use plans. The new process would reduce the time and resources property owners (both public and private) spend on project-specific boundary amendments because these amendments would not need to go through the Land Use Commission and can instead be handled as an extension of the county general plan or development plan process.

Impact on the department and other agencies: Land use changes based on adopted county land use plans will facilitate the implementation of county plans that are vetted and adopted by county councils on behalf of public interests.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Land Use Commission; county planning and
permitting agencies.

EFFECTIVE DATE: Upon approval.