
A BILL FOR AN ACT

RELATING TO CONSERVATION DISTRICTS.

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

1 SECTION 1. Section 183C-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§183C-6 Permits and site plan approvals. (a) The
4 department shall regulate land use in the conservation district
5 by the issuance of permits.

6 (b) The department shall render a decision on a completed
7 application for a permit within one-hundred-eighty days of its
8 acceptance by the department. If within one-hundred-eighty days
9 after acceptance of a completed application for a permit, the
10 department shall fail to give notice, hold a hearing, and render
11 a decision, the owner may automatically put the owner's land to
12 the use or uses requested in the owner's application. When an
13 environmental impact statement is required pursuant to chapter
14 343, or when a contested case hearing is requested pursuant to
15 chapter 91, the one-hundred-eighty days may be extended an
16 additional ninety days at the request of the applicant. Any



1 request for additional extensions shall be subject to the
2 approval of the board.

3 (c) The department shall hold a public hearing in every
4 case involving the proposed use of land for commercial purposes,
5 at which hearing interested persons shall be afforded a
6 reasonable opportunity to be heard. Public notice of the time
7 and place of the hearing shall be given at least once statewide
8 and in the county in which the property is located. The notice
9 shall be given not less than twenty days prior to the date set
10 for the hearing. The hearing shall be held in the county in
11 which the land is located and may be delegated to an agent or
12 representative of the board as may otherwise be provided by law
13 and in accordance with rules adopted by the board. For the
14 purposes of its public hearing or hearings, the department shall
15 have the power to summon witnesses, administer oaths, and
16 require the giving of testimony. As used in this subsection,
17 the term "commercial purposes" shall not include the use of land
18 for utility purposes.

19 (d) The department shall regulate the construction,
20 reconstruction, demolition, or alteration of any structure,
21 building, or facility by the issuance of site plan approvals.



1 (e) Any permit for the reconstruction, restoration,
2 repair, or use of any Hawaiian fishpond exempted from the
3 requirements of chapter 343 under section 183B-2 shall provide
4 for compliance with the conditions of section 183B-2.

5 (f) The board may approve a permit for a public agency if
6 the board finds:

7 (1) The proposed use is of a type allowed by the
8 applicable rules and regulations, subject to obtaining
9 a permit;

10 (2) Any substantial adverse environmental and ecological
11 effects have been mitigated to the extent practicable;
12 and

13 (3) Any such substantial adverse environmental and
14 ecological effects are clearly outweighed by public
15 health, safety, or other public benefits."

16 SECTION 2. New statutory material is underscored.

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

18

INTRODUCED BY: Brend Kofoni

JAN 27 2016



H.B. NO. 2761

Report Title:

Conservation District Use Applications; Public Agencies

Description:

Specifies the criteria to be used for evaluating conservation district use applications submitted by public agencies.

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