

---

---

## A BILL FOR AN ACT

RELATING TO LAND.

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

1           SECTION 1. The legislature finds that Act 230, Session  
2 Laws of Hawaii 1985, established the land use commission  
3 decision making criteria for district boundary reclassifications  
4 of land areas greater than fifteen acres and authorized the  
5 counties to reclassify land areas of less than fifteen acres,  
6 except lands in the conservation district. Since 1985, the  
7 capabilities and staff of the county planning departments have  
8 increased and developers have found county processing to be more  
9 efficient and faster than that of the land use commission.

10           The faster processing of district boundary amendments by  
11 the counties has also attracted the interest of housing  
12 developers. However, the fifteen-acre limit physically  
13 restricts developments to about forty-five small lot homes,  
14 which is often not large enough for a profitable project.  
15 Increasing the acreage limit to allow counties to reclassify  
16 lands of twenty-five acres or less will allow developers to  
17 conduct larger-scale projects that are profitable while



1 benefiting from the faster reclassification process of the  
2 counties. Ultimately, this will attract more developers,  
3 increase construction competition, create jobs, increase  
4 housing, and reduce the cost of housing for the end buyer.

5 The purpose of this Act is to facilitate efficiency and  
6 expediency in the construction of housing projects by increasing  
7 the acreage threshold from fifteen to twenty-five acres for  
8 district boundary amendments that require land use commission  
9 approval.

10 SECTION 2. Section 201H-12, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12 "(b) The corporation may develop public land in an  
13 agricultural district subject to the prior approval of the land  
14 use commission, when developing lands greater than [~~fifteen~~  
15 twenty-five acres in size, and public land in a conservation  
16 district subject to the prior approval of the board of land and  
17 natural resources. The corporation shall not develop state  
18 monuments, historical sites, or parks. When the corporation  
19 proposes to develop public land, it shall file with the  
20 department of land and natural resources a petition setting  
21 forth the purpose for the development. The petition shall be



1 conclusive proof that the intended use is a public use superior  
2 to that which the land has been appropriated."

3 SECTION 3. Section 205-3.1, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) to (c) to read as follows:

5 "(a) District boundary amendments involving lands in the  
6 conservation district, land areas greater than [~~fifteen~~] twenty-  
7 five acres, or lands delineated as important agricultural lands  
8 shall be processed by the land use commission pursuant to  
9 section 205-4.

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



1 (c) District boundary amendments involving land areas of  
2 [~~fifteen~~] twenty-five acres or less, except as provided in  
3 subsection (b), shall be determined by the appropriate county  
4 land use decision-making authority for the district and shall  
5 not require consideration by the land use commission pursuant to  
6 section 205-4; provided that [~~such~~] the boundary amendments and  
7 approved uses are consistent with this chapter. The appropriate  
8 county land use decision-making authority may consolidate  
9 proceedings to amend state land use district boundaries pursuant  
10 to this subsection, with county proceedings to amend the general  
11 plan, development plan, zoning of the affected land, or [~~such~~]  
12 other 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 SECTION 4. Section 205-4, Hawaii Revised Statutes, is  
16 amended by amending its title and subsection (a) to read as  
17 follows:

18 "**§205-4 Amendments to district boundaries involving land**  
19 **areas greater than [~~fifteen~~] twenty-five acres.** (a) Any  
20 department or agency of the State, any department or agency of  
21 the county in which the land is situated, or any person with a



1 property interest in the land sought to be reclassified, may  
 2 petition the land use commission for a change in the boundary of  
 3 a district. This section applies to all petitions for changes  
 4 in district boundaries of lands within conservation districts,  
 5 lands designated or sought to be designated as important  
 6 agricultural lands, and [~~lands~~] land areas greater than  
 7 [~~fifteen~~] twenty-five acres in the agricultural, rural, and  
 8 urban districts, except as provided in section 201H-38. The  
 9 land use commission shall adopt rules pursuant to chapter 91 to  
 10 implement section 201H-38."

11 SECTION 5. Section 205-6, Hawaii Revised Statutes, is  
 12 amended by amending subsections (d) and (e) to read as follows:

13 "(d) Special permits for land the area of which is greater  
 14 than [~~fifteen~~] twenty-five acres or for lands designated as  
 15 important agricultural lands shall be subject to approval by the  
 16 land use commission. The land use commission may impose  
 17 additional restrictions as may be necessary or appropriate in  
 18 granting the approval, including the adherence to  
 19 representations made by the applicant.

20 (e) A copy of the decision, together with the complete  
 21 record of the proceeding before the county planning commission



1 on all special permit requests involving a land area greater  
2 than [~~fifteen~~] twenty-five acres or for lands designated as  
3 important agricultural lands, shall be transmitted to the land  
4 use commission within sixty days after the decision is rendered.

5 Within forty-five days after receipt of the complete record  
6 from the county planning commission, the land use commission  
7 shall act to approve, approve with modification, or deny the  
8 petition. A denial either by the county planning commission or  
9 by the land use commission, or a modification by the land use  
10 commission, as the case may be, of the desired use shall be  
11 appealable to the circuit court of the circuit in which the land  
12 is situated and shall be made pursuant to the Hawaii rules of  
13 civil procedure."

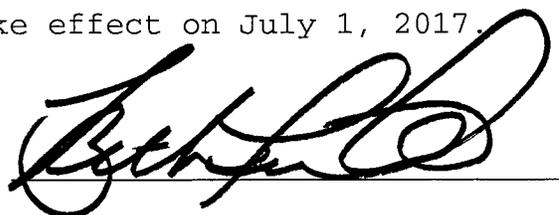
14 SECTION 6. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on July 1, 2017.

20

INTRODUCED BY:



JAN 23 2017



# H.B. NO. 947

**Report Title:**

Land Use Commission; Land Reclassification; Acres

**Description:**

Increases the acreage from 15 acres to 25 acres for district boundary reclassifications requiring the approval of the Land Use Commission.

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

