

JAN 21 2022

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# 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:

*J. P. Rivera*



# 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.*

