

JAN 21 2022

A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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

1 SECTION 1. The legislature finds that the counties are
2 responsible for determining district boundary amendments
3 involving land areas of fifteen acres or less and not within the
4 conservation district, whereas district boundary amendments
5 involving lands in the conservation district, land areas greater
6 than fifteen acres, and lands delineated as important
7 agricultural lands are processed by the land use commission
8 through a quasi-judicial process. The legislature further finds
9 that a change to this system of district boundary amendment
10 approvals for certain larger parcels of land, over fifteen acres
11 and up to fifty acres, may provide the counties with greater
12 flexibility to meet the needs of their communities while also
13 requiring the counties to consider broader, secondary impacts,
14 such as impacts on state and county infrastructure, and
15 opportunities to provide housing.

16 Therefore, the purpose of this Act is to authorize the
17 appropriate county land use decision-making authority to



1 determine district boundary amendments involving land areas over
2 fifteen acres but equal to or less than fifty acres according to
3 a process to be determined by each county and subject to certain
4 conditions.

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

7 **"§205-3.1 Amendments to district boundaries. (a)**

8 District boundary amendments involving lands in the conservation
9 district, land areas greater than fifteen acres, or lands
10 delineated as important agricultural lands shall be processed by
11 the land use commission pursuant to section 205-4.

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



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

16 (d) An application for a district boundary amendment
17 involving a land area over fifteen acres but equal to or less
18 than fifty acres shall be determined by the appropriate county
19 land use decision-making authority for the district and shall
20 not require consideration by the land use commission if, by the



1 date of the application, the county has adopted an ordinance
2 that:

3 (1) Establishes a procedure for determining such district
4 boundary amendments;

5 (2) Requires the county, in considering an application for
6 a district boundary amendment, to consider the impact
7 of the proposed reclassification on areas of state and
8 county concern, including but not limited to impacts
9 on state and county infrastructure and provision for
10 housing opportunities for certain income groups;

11 (3) Requires the district boundary amendment and approved
12 uses to be consistent with the applicable county
13 general plan or community development plan;

14 (4) Requires final action on an application for a district
15 boundary amendment to be taken by the county
16 legislative body and not be subject to a contested
17 case hearing pursuant to chapter 91; and

18 (5) Requires the county to take enforcement actions to
19 assure substantial compliance with representations
20 made by the applicant in seeking a boundary amendment,
21 including conditioning approvals upon substantial



1 commencement of use of the land in accordance with
2 those representations.

3 As used in this subsection, "county legislative body" means
4 the city council or county council of a county.

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



1 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

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

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



S.B. NO. 2920

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY:



S.B. NO. 2920

Report Title:

Counties; District Boundary Amendments; Fifteen to Fifty Acres

Description:

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres but less than or equal to fifty acres if the county has adopted an ordinance that meets certain requirements.

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

