

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 10 Date MAY 02 2023

TO: House Bill No. 676, H.D. 1, S.D. 2, C.D. 1

SECTION 1. House Bill No. 676, H.D. 1, S.D. 2, C.D. 1, is amended by deleting Sections 2 and 3.

SECTION 2. House Bill No. 676, H.D. 1, S.D. 2, C.D. 1, is amended by adding a new Section 2 to read as follows:

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

"**§205-3.1 Amendments to district boundaries.** (a) District boundary amendments involving lands in the conservation district, land areas greater than fifteen acres, or lands delineated as important agricultural lands shall be processed by the land use commission pursuant to section 205-4[-], except as otherwise provided in this section.

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

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

(d) An application for a district boundary amendment involving a land area greater than fifteen acres but not greater



than one hundred acres, except for lands that are designated as important agricultural lands or lands where the soil is classified by the land study bureau's detailed land classification as overall (master) productivity class A or B, shall be determined by the appropriate county land use decision-making authority for the district and shall not require consideration by the land use commission if, by the date of the application, the county has adopted an ordinance that:

- (1) Establishes a procedure for determining the district boundary amendments;
- (2) Requires the county to own and retain ownership of the land area for at least ninety-nine years;
- (3) Requires that one hundred per cent of the land area be used for affordable housing as defined by county ordinance;
- (4) Requires that at least seventy-five per cent of the housing units on the land be set aside for persons and families with incomes at or below one hundred per cent of the area median income;
- (5) Requires the district boundary amendment and approved uses to be consistent with the applicable county general plan or community development plan;
- (6) Requires the county to complete and incorporate mitigation of the impact on county and state resources, including schools and highways; provided that mitigation efforts under this paragraph shall be approved by the appropriate state department;
- (7) Incorporates due process into the procedure for determining district boundary amendments pursuant to paragraph (1) in accordance with all state laws and the public trust doctrine; and
- (8) Requires the appropriate county land use decision-making authority to issue a finding that it has considered all impacts of the proposed amendment that the land use commission would have considered under a petition submitted to the land use commission pursuant to this chapter for a district boundary amendment involving the same or similar land use classifications and land area.

~~[(d)]~~ (e) The county land use decision-making authority shall serve a copy of the application for a district boundary amendment to the land use commission and the department of business, economic development, and tourism and shall notify the commission and the department of the time and place of the hearing and the proposed amendments scheduled to be heard at the hearing. A change in the state land use district boundaries pursuant to this subsection shall become effective on the day designated by the county land use decision-making authority in



its decision. Within sixty days of the effective date of any decision to amend state land use district boundaries by the county land use decision-making authority, the decision and the description and map of the affected property shall be transmitted to the land use commission and the department of business, economic development, and tourism by the county planning director."

SECTION 3. House Bill No. 676, H.D. 1, S.D. 2, C.D. 1, is amended by adding a new Section 3 to read as follows:

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

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

Offered by:



Carried

() Failed to Carry

() Withdrawn

