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# A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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

1           SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§205-3.1 Amendments to district boundaries. (a)  
4 District boundary amendments involving lands in the conservation  
5 district, land areas greater than fifteen acres, or lands  
6 delineated as important agricultural lands shall be processed by  
7 the land use commission pursuant to section 205-4[-], except as  
8 otherwise provided in this section.

9           (b) Any department or agency of the State, and department  
10 or agency of the county in which the land is situated, or any  
11 person with a property interest in the land sought to be  
12 reclassified may petition the appropriate county land use  
13 decision-making authority of the county in which the land is  
14 situated for a change in the boundary of a district involving  
15 lands less than fifteen acres presently in the rural and urban  
16 districts and lands less than fifteen acres in the agricultural



1 district that are not designated as important agricultural  
2 lands.

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

17 (d) An application for a district boundary amendment  
18 involving a land area greater than fifteen acres but not greater  
19 than thirty acres, except for lands that are designated as  
20 important agricultural lands or lands where the soil is  
21 classified by the land study bureau's detailed land



1 classification as overall (master) productivity class A or B,  
2 shall be determined by the appropriate county land use decision-  
3 making authority for the district and shall not require  
4 consideration by the land use commission if, by the date of the  
5 application, the county has adopted an ordinance that:

- 6       (1) Establishes a procedure for determining such district  
7           boundary amendments;
- 8       (2) Requires the county to own and retain ownership of the  
9           land area for at least ninety-nine years;
- 10       (3) Requires that one hundred per cent of the land area be  
11           used for affordable housing as defined by county  
12           ordinance;
- 13       (4) Requires that at least seventy-five per cent of the  
14           housing units on the land be set aside for persons and  
15           families with incomes at or below one hundred per cent  
16           of the area median income;
- 17       (5) Requires the district boundary amendment and approved  
18           uses to be consistent with the applicable county  
19           general plan or community development plan;
- 20       (6) Requires the county to complete and incorporate  
21           mitigation of the impact on county and state



1           resources, including schools and highways; provided  
2           that mitigation efforts under this paragraph shall be  
3           approved by the appropriate department; and  
4           (7) Incorporates due process into the procedure for  
5           determining district boundary amendments pursuant to  
6           paragraph (1) in accordance with all state laws and  
7           the public trust doctrine.

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



1 business, economic development, and tourism by the county  
2 planning director."

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

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



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Counties; District Boundary Amendments; County Ordinances;  
Affordable Housing

**Description:**

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres but not over thirty acres, except lands that are designated as important agricultural land or lands where the soil is classified by the Land Study Bureau's detailed land classification as overall (master) productivity class A or B if the county has adopted an ordinance that meets certain requirements. Effective 7/1/3000. (SD2)

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

