
A BILL FOR AN ACT

RELATING TO LAND USE DECISION-MAKING.

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, except as
6 provided in subsection (d), or lands delineated as important
7 agricultural lands shall be processed by the land use commission
8 pursuant to section 205-4.

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
6 decision-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]~~ the proceedings may be developed by the
16 county land use decision-making authority.

17 (d) District boundary amendments involving land areas of
18 greater than fifteen but no more than twenty-five acres
19 exclusively for purposes of affordable residential housing,
20 agricultural workforce housing, long-term rental housing, or
21 workforce fee simple ownership shall be determined by the



1 appropriate county land use decision-making authority for the
 2 district and shall not require consideration by the land use
 3 commission pursuant to section 205-4; provided that the boundary
 4 amendments and approved uses are consistent with this chapter
 5 and the project area is:

6 (1) Immediately adjacent to the urban district and does
 7 not include the conservation district;

8 (2) Not located on lands designated as important
 9 agricultural lands;

10 (3) If located within the agricultural district, on lands
 11 with soils classified by the land study bureau's
 12 detailed land classification as overall (master)
 13 productivity rating class D, E, or U; and

14 (4) Identified on planning maps for only residential use
 15 in a county comprehensive general plan adopted no
 16 earlier than twenty years before application by the
 17 respective county council pursuant to section 46-4.

18 The appropriate county land use decision-making authority may
 19 consolidate proceedings to amend state land use district
 20 boundaries pursuant to this subsection with county proceedings



1 to amend the development plan, zoning of the affected land, or
2 other proceedings.

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

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



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Land Use Decision-Making; County Decision-Making; District Boundaries; Housing

Description:

Authorizes counties to amend district boundaries involving land areas of greater than fifteen but no more than twenty-five acres for purposes of residential housing, agricultural workforce housing, long-term rental housing, or workforce fee simple ownership. Effective 7/1/3000. (HD2)

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