
A BILL FOR AN ACT

RELATING TO LAND USE.

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 the following lands [~~in~~
5 ~~the conservation district, land areas greater than fifteen~~
6 ~~acres, or lands delineated as important agricultural lands]~~
7 shall be processed by the land use commission pursuant to
8 section 205-4 [~~-~~]:

- 9 (1) Lands in the conservation district;
10 (2) Lands delineated as important agricultural lands; or
11 (3) Land areas greater than fifteen acres, except
12 non-important agricultural land or rural land areas
13 greater than fifteen acres but not more than
14 twenty-five acres if the land areas are proposed for
15 reclassification to the urban district and at least
16 sixty per cent of the land areas will be dedicated for
17 the development of affordable housing.



1 (b) Any department or agency of the State, and department
2 or agency of the county in which the land is situated, or any
3 person with a property interest in the land sought to be
4 reclassified may petition the appropriate county land use
5 decision-making authority of the county in which the land is
6 situated for a change in the boundary of a district involving
7 ~~[lands]~~:

8 (1) Lands less than fifteen acres presently in the rural
9 and urban districts ~~[and lands]~~;

10 (2) Land areas greater than fifteen acres but not more
11 than twenty-five acres if the land areas are proposed
12 for reclassification to the urban district, are
13 contiguous to the urban district, and at least sixty
14 per cent of the square footage of the development will
15 be dedicated for the development of affordable
16 housing; provided that the soil is classified by the
17 land study bureau's detailed land classification as
18 overall (master) productivity rating class C or
19 lesser; and

20 (3) Lands less than fifteen acres in the agricultural
21 district that are not designated as important



1 agricultural lands~~[r]~~ or with soil classified by the
2 land study bureau's detailed land classification as
3 overall (master) productivity rating class A or B.

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

18 (d) The county land use decision-making authority shall
19 serve a copy of the application for a district boundary
20 amendment to the land use commission and the department of
21 business, economic development, and tourism and shall notify the



1 commission and the department of the time and place of the
2 hearing and the proposed amendments scheduled to be heard at the
3 hearing. A change in the state land use district boundaries
4 pursuant to this subsection shall become effective on the day
5 designated by the county land use decision-making authority in
6 its decision. Within sixty days of the effective date of any
7 decision to amend state land use district boundaries by the
8 county land use decision-making authority, the decision and the
9 description and map of the affected property shall be
10 transmitted to the land use commission and the department of
11 business, economic development, and tourism by the county
12 planning director.

13 (e) Parceling of lands for development shall be prohibited
14 for the purposes of subsection (d). If lands that have been
15 parceled are proposed for reclassification, the petition for
16 reclassification shall be processed as lands greater than
17 fifteen or twenty-five acres.

18 (f) For the purposes of this section:
19 "Affordable housing" means housing that requires the
20 purchaser to be, in perpetuity, a Hawaii resident, an owner
21 occupant, and owner of no other real property.



1 "Parceling" means the subdivision of lands greater than
2 twenty-five acres into two or more parcels, more than one of
3 which is then proposed for reclassification within a ten-year
4 period of time from the date of the subdivision."

5 SECTION 2. Section 205-4, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) Any department or agency of the State, any department
9 or agency of the county in which the land is situated, or any
10 person with a property interest in the land sought to be
11 reclassified, may petition the land use commission for a change
12 in the boundary of a district. This section applies to all
13 petitions for changes in district boundaries of lands within
14 conservation districts, lands designated or sought to be
15 designated as important agricultural lands, and lands greater
16 than fifteen acres in the agricultural, rural, and urban
17 districts, except as provided in [~~section 201H-38.~~] sections
18 201H-38 and 205-3.1(a). The land use commission shall adopt
19 rules pursuant to chapter 91 to implement [~~section~~] sections
20 201H-38 [-] and 205-3.1(a)."

21 2. By amending subsection (g) to read:



1 "(g) Within a period of not more than three hundred
2 sixty-five days after the proper filing of a completed petition,
3 unless otherwise ordered by a court, or unless a time extension,
4 which shall not exceed ninety days, is established by a two-
5 thirds vote of the members of the commission, the commission, by
6 filing findings of fact and conclusions of law, shall act to
7 approve the petition, deny the petition, or to modify the
8 petition by imposing conditions necessary to uphold the intent
9 and spirit of this chapter or the policies and criteria
10 established pursuant to section 205-17 or to assure substantial
11 compliance with representations made by the petitioner in
12 seeking a boundary change. The commission may provide by
13 condition that absent substantial commencement of use of the
14 land in accordance with such representations, the commission
15 shall issue and serve upon the party bound by the condition an
16 order to show cause why the property should not revert to its
17 former land use classification or be changed to a more
18 appropriate classification. Such conditions, if any, shall run
19 with the land and be recorded in the bureau of conveyances."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.



Report Title:

District Boundaries; Amendments; Counties; Affordable Housing

Description:

Authorizes county land use decision-making authorities to amend district boundaries involving certain land areas greater than fifteen acres, but not more than twenty-five acres, if the land areas are proposed for reclassification to the urban district, contiguous to an urban district, and at least sixty per cent of the land areas will be dedicated for the development of affordable housing. (SD1)

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