
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that the land use
2 commission was established to administer the statewide zoning
3 law. The commission is responsible for preserving and
4 protecting Hawaii's lands and encouraging those uses to which
5 lands are best suited. Accordingly, the commission establishes
6 district boundaries for the entire State.

7 The purpose of this Act is to help ensure that the land use
8 commission satisfies its original purpose by clarifying the
9 factors that the commission shall specifically consider in its
10 review of any petition for reclassification of district
11 boundaries.

12 SECTION 2. Section 205-17, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§205-17 Land use commission decision-making criteria.** In
15 its review of any petition for reclassification of district
16 boundaries pursuant to this chapter, the commission shall
17 specifically consider the following:



1 (1) The extent to which the proposed reclassification
2 conforms to the applicable goals, objectives, and
3 policies of the Hawaii state plan and relates to the
4 applicable priority guidelines of the Hawaii state
5 plan and the adopted functional plans; provided that
6 the absence of a priority guideline or functional plan
7 applicable to the proposed reclassification shall not
8 be grounds for the commission to defer a decision on
9 the petition to the applicable county pursuant to its
10 county general plan, or community development plans
11 adopted pursuant thereto;

12 (2) The extent to which the proposed reclassification
13 conforms to the applicable district standards;

14 ~~(3) The impact of the proposed reclassification on the~~
15 ~~following areas of state concern:~~

16 ~~(A) Preservation or maintenance of important natural~~
17 ~~systems or habitats;~~

18 ~~(B) Maintenance of valued cultural, historical, or~~
19 ~~natural resources;~~

20 ~~(C) Maintenance of other natural resources relevant~~
21 ~~to Hawaii's economy, including agricultural~~
22 ~~resources;~~



- 1 ~~(D)~~ ~~Commitment of state funds and resources;~~
- 2 ~~(E)~~ ~~Provision for employment opportunities and~~
- 3 ~~economic development; and~~
- 4 ~~(F)~~ ~~Provision for housing opportunities for all~~
- 5 ~~income groups, particularly the low, low-~~
- 6 ~~moderate, and gap groups;~~
- 7 ~~(4)~~] (3) The standards and criteria for the
- 8 reclassification or rezoning of important agricultural
- 9 lands in section 205-50;
- 10 ~~(5)~~] (4) The county general plan and all community,
- 11 development, or community development plans adopted
- 12 pursuant to the county general plan, as they relate to
- 13 the land that is the subject of the reclassification
- 14 petition; and
- 15 ~~(6)~~] (5) The representations and commitments made by the
- 16 petitioner in securing a boundary change."

17 SECTION 3. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Andy Evans*

JAN 24 2013



H.B. NO. 1470

Report Title:

LUC; District Boundaries; Reclassification; Counties

Description:

Provides that the absence in the Hawaii state plan of a priority guideline or functional plan applicable to a proposed reclassification of district boundaries shall not be grounds for the LUC to defer a decision on the petition to the applicable county pursuant to its county general plan. Eliminates LUC consideration of the impacts of certain areas of state concern.

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