

Chapter 26

STATE LAND USE CLASSIFICATION

Articles:
1. **Boundary Adjustments Between Agricultural and Urban Districts**

Appendix:
26-A **State Land Use District Boundary Amendments**

Article 1. Boundary Adjustments Between Agricultural and Urban Districts

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Sec. 26-1.1 Purpose.

In accordance with the authority delegated to the counties by HRS Section 205-3.1, and in the interest of reducing processing time and cost to an applicant, facilitating the processing of petitions and reducing duplication of effort, this chapter provides the method to process petitions to amend state land use district boundaries for areas involving 15 acres or less. (Sec. 34-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 26-1.2 Applicability.

All petitions for changes in the boundary of a state land use district involving an area of 15 acres or less in an agricultural or urban district as the districts are defined by the state land use commission, shall be processed in accordance with the provisions of this chapter. (Sec. 34-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 26-1.3 Petition to city council.

- (a) Any department or agency of the state or county, or any person with a property interest in the land sought to be reclassified, may petition the county for a change in the classification of parcels of land of 15 acres or less which are in the agricultural or urban district. Each petition shall be referred to the planning department for evaluation and processing.
 - (b) Petitions may be initiated by the city council by resolution of the council and such petitions shall be referred to the planning department for evaluation and processing in the same manner as all other petitions.
- (Sec. 34-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58)

Sec. 26-1.4 Action by the director of planning and permitting Petition fees.

- (a) The director of planning and permitting shall deliver a copy of any petition for a district boundary change permitted by this chapter to the state land use commission and state department of business, economic development, and tourism. The director of planning and permitting shall notify the commission and the department of the time, date, and place of the public hearings referred to in Sections 26-1.5 and 26-1.7.
- (b) The director of planning and permitting shall adopt rules in accordance with the Hawaii Administrative Procedure Act, HRS Chapter 91, for processing the boundary changes permitted by this chapter.
- (c) Petitions submitted by nongovernmental parties shall be accompanied by a fee of \$700.00, plus \$300.00 per acre involved or any major fraction thereof, up to a maximum fee of \$15,000.00. Fees shall be submitted by the applicant to the director of planning and permitting upon acceptance of an application for a boundary amendment by the director of planning and permitting and fees shall not be refundable.

(Sec. 34-1.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58, 03-12, 14-4)

Sec. 26-1.5 Consolidated proceedings.

The city may conduct proceedings, including public hearings, to change state land use boundaries pursuant to this chapter, with proceedings to amend the development plan of the affected land. (Sec. 34-1.5, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 26-1.6 Standards and criteria.

All petitions for boundary amendments shall be reviewed from the perspective of (a) contribution to the general welfare and prosperity of the people of the county, (b) whether or not a public issue, need or problem presently exists to serve as a basis for the proposed amendment, and (c) consistency with the Hawaii state plan and the county general plan. (Sec. 34-1.6, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 26-1.7 Planning commission action.

The planning commission shall hold a public hearing on each boundary amendment proposal made under this chapter. Thereafter, the planning commission shall make a recommendation on each boundary amendment to the city council. (Sec. 34-1.7, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 26-1.8 Council action.

The city council shall enact all boundary amendments made pursuant to this chapter by ordinance after holding a public hearing. No boundary amendment petition which would redesignate agricultural lands to urban use shall be approved unless the council indicates its approval of such amendment by two thirds vote of the entire council. (Sec. 34-1.8, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 26-1.9 Effective date Notification.

A change in state land use district boundaries pursuant to this chapter shall become effective on the day designated by the city council in the ordinance enacting the boundary amendment. Within 60 days of the effective date of the ordinance, the description and a map of the affected land shall be transmitted to the state land use commission and department of business, economic development, and tourism by the chief planning officer. (Sec. 34-1.9, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58)