

Decision Making Criteria for Reclassification of District Boundaries

Hawai'i Revised Statutes ("HRS")	Hawai'i Administrative Rules ("HAR")
<p>§205-17 Land use commission decision-making criteria. In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following:</p>	<p>§15-15-77 Decision-making criteria for boundary amendments.</p>
<p>(1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;</p>	<p>(a) The commission shall not approve an amendment of a land use district boundary unless the commission finds upon the clear preponderance of the evidence that the proposed boundary amendment is reasonable, is not violative of section 205-2, HRS, and is consistent with the policies and criteria established pursuant to sections 205-16, 205-17, and 205A-2, HRS.</p>
<p>(2) The extent to which the proposed reclassification conforms to the applicable district standards;</p>	<p>(b) In its review of any petition for amendment of district boundaries pursuant to this chapter, the commission shall specifically consider the following:</p> <ul style="list-style-type: none"> (1) The extent to which the proposed boundary amendment conforms to the applicable goals, objectives, and policies of the Hawai'i state plan and relates to the applicable priority guidelines of the Hawai'i state plan and the adopted functional plans; (2) The extent to which the proposed boundary amendment conforms to the applicable district standards; (3) The impact of the proposed boundary amendment on the following areas of state concern: <ul style="list-style-type: none"> (A) Preservation or maintenance of important natural systems or habitats; (B) Preservation and maintenance of valued cultural resources and activities, and, historical, or



	<p>natural resources, including water resource uses; (C) Maintenance of other natural resources relevant to Hawaii's economy including, but not limited to agricultural resources; (D) Commitment of state funds and resources;</p> <p>(E) Provision for employment opportunities and economic development; and</p> <p>(F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;</p> <p>(4) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan, and community, development, or community development plans of the county in which the land is located;</p> <p>(5) The representations and commitments made by the petitioner in securing a boundary amendment, including a finding that the petitioner has the necessary economic ability to carry out the representations and commitments relating to the proposed use or development;</p> <p>(6) Lands in intensive agricultural use for two years prior to date of filing of a petition or lands with a high capacity for intensive agricultural use shall not be taken out of the agricultural district unless the commission finds either that the action:</p> <p>(A) Will not substantially impair actual or potential agricultural production in the vicinity of the subject</p>
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	<p>property or in the county or State; or</p> <p>(B) Is reasonably necessary for urban growth; and</p> <p>(7) In considering boundary amendments for lands designated important agricultural lands pursuant to part III, chapter 205 , HRS, the commission shall specifically consider the standards and criteria set forth in section 205-50, HRS.</p>
<p>(3) The impact of the proposed reclassification on the following areas of state concern:</p> <p>(A) Preservation or maintenance of important natural systems or habitats;</p> <p>(B) Maintenance of valued cultural, historical, or natural resources;</p> <p>(C) Maintenance of other natural resources relevant to Hawaii's economy, including agricultural resources;</p> <p>(D) Commitment of state funds and resources;</p> <p>(E) Provision for employment opportunities and economic development; and</p> <p>(F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;</p>	<p>(c) Amendments of a land use district boundary in conservation districts involving land areas fifteen acres or less shall be determined by the commission pursuant to this subsection and section 205-3.1, HRS.</p>
<p>(4) The standards and criteria for the reclassification or rezoning of important agricultural lands in section 205-50;</p>	<p>(d) Amendments of a land use district boundary in other than conservation districts involving land areas fifteen acres or less shall be determined by the appropriate county land use decision-making authority for the district.</p>



<p>(5) The county general plan and all community, development, or community development plans adopted pursuant to the county general plan, as they relate to the land that is the subject of the reclassification petition; and</p>	<p>(e) Amendments of a land use district boundary involving land areas greater than fifteen acres shall be determined by the commission, pursuant to this subsection and section 205-3 .1, HRS. [Eff 10/27 /86; am and comp 8/16/97; comp 5/8/00; am and comp 11/2/2013; am and comp OCT 18 2019] (Auth: HRS §§205- 1, 205- 7) (Imp: HRS §§205-3.1, 205-4, 205-16, 205-17)</p>
<p>(6) The representations and commitments made by the petitioner in securing a boundary change. [L 1985, c 230, §1; am L 1990, c 261, §2; am L 2005, c 183, §6; am L 2008, c 26, §1]</p>	