

## LUC Proposed Hawai'i Admin Rules Changes

Rule	Original Wording	Changes in Wording	Reasoning
§15-15-03 Definitions.	new definition added	<b>"Adverse environmental effects" means the permanent loss, reduction or transformation of resource access, ecosystem services, cultural or recreational values, or other means of livelihood and health, as well as permanent loss of land or property</b>	Clarifies meaning of language in 15-15-18(a)(3) regarding Urban lands
§15-15-07(a) Executive officer.	"The executive officer shall be appointed by the commission to serve as the administrative head of the commission staff and have responsibilities and duties as prescribed by the commission. The executive officer shall be directly responsible to the commission, and ..."	"The executive officer shall be appointed by the commission to serve as the administrative head of the commission staff and have responsibilities and duties as prescribed by the commission. The executive officer shall be directly responsible <del>to</del> <b>for</b> the commission, and ... "	Housekeeping; change in wording to provide clarity
§15-15-15 (c)	new subsection (c)	<b><u>(c) For the purposes of this section, the full, verbatim, transcript of the proceedings may serve as the minutes.</u></b>	Housekeeping; clarifies that detailed verbatim transcripts of hearings may take the place of meeting minutes; reduces administrative duplication of staff effort
§15-15-22 (c)(1)	"Additional copies of the print, including a reproducible master map of the print or an electronic copy in a recognized format of the executive officer's designation; and ..."	Additional copies of the print, including a reproducible master map of the print <b>and</b> an <b>ADA compliant</b> electronic copy in a recognized format of the executive officer's designation; and	Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
§15-15-22(f) Interpretations of district boundaries	cannot resolve an uncertainty concerning the location of any district line, the commission, upon written application or upon its own motion, shall determine the location of those district lines.	cannot resolve an uncertainty concerning the location of any district line, the commission, upon written application for <b>declaratory ruling</b> or upon its own motion, shall determine the location of those district lines, <b>with in 30 days of finalization of the boundary interpretation.</b>	Clarifies procedure and timing for commission action on boundary interpretations when a written application for declaratory ruling is filed
§15-15-37 Filing documents; place and time.	All pleadings, briefs, submittals, petitions, reports, maps, exceptions, memoranda, and other legal papers required or permitted to be filed with the commission in any proceeding shall be filed at the office of the commission before or on the date prescribed by statute, rules, or order of the commission. Unless otherwise ordered and except as provided by section 15-15-50, the date on which the original papers are filed by or at the direction of the chief clerk shall be regarded as the date of filing. The commission will not accept a facsimile or electronic copy of any document for filing purposes unless otherwise permitted by the executive officer.	All pleadings, briefs, submittals, petitions, reports, maps, exceptions, memoranda, and other legal papers required or permitted to be filed with the commission in any proceeding shall be filed at the office of the commission before or on the date prescribed by statute, rules, or order of the commission. Unless otherwise ordered and except as provided by section 15-15-50, the date on which the original papers are filed by or at the direction of the chief clerk shall be regarded as the date of filing. <b>Additionally,</b> the commission will <b>require</b> an <b>ADA compliant</b> electronic copy of any document for filing purposes unless otherwise permitted by the executive officer.	Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws

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<b>§15-15-38(a)</b> Format.	All documents exceeding seventy five pages shall be placed in three-ring binders or equivalent (prongs and rubber bands are not acceptable) and be printed up white paper 8-1/2 x 11 inches in size. Twelve point font or larger shall be used. Tables, maps, charts, exhibits, or appendices may be larger and shall be folded to that size where practical and tabbed. All pleadings shall be printed and shall be one and a half spaced or greater, except that footnotes and quotations in excess of a few lines may be single-spaced. Reproduction may be by any process, provided all copies are clear and permanently legible. Electronic copies shall be similarly formatted and bookmarked.	All documents exceeding seventy five pages shall be placed in three-ring binders or equivalent (prongs and rubber bands are not acceptable) and be printed up white paper 8-1/2 x 11 inches in size. Twelve point font or larger shall be used. Tables, maps, charts, exhibits, or appendices may be larger and shall be folded to that size where practical and tabbed. All pleadings shall be printed and shall be one and a half spaced or greater, except that footnotes and quotations in excess of a few lines may be single-spaced. Reproduction may be by any process, provided all copies are clear and permanently legible. Electronic copies shall be similarly formatted and bookmarked <b><u>and ADA compliant.</u></b>	Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
<b>§15-15-40</b> Copies.	Unless otherwise required by this subchapter or the commission, all parties shall file with the commission a paper original, one paper copy and one electronic copy of each pleading or amendment thereof. Additional copies shall be promptly provided if the chairperson or the executive officer so requests. The commission, by order, may modify the number or format of copies required under this section.	Unless otherwise required by this subchapter or the commission, all parties shall file with the commission a paper original, <del>one paper copy</del> and one <b><u>ADA compliant</u></b> electronic copy of each pleading or amendment thereof. Additional copies shall be promptly provided if the chairperson or the executive officer so requests. The commission, by order, may modify the number or format of copies required under this section.	Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
<b>§15-15-42 (a)(1)</b> Extensions of time	For good cause shown, with or without notice or hearing, extend such period if written request therefor is made before the expiration of the period originally prescribed or as extended by a previous order	For good cause shown, with or without notice or hearing, extend such period if written request <b><u>therefore</u></b> is made before the expiration of the period originally prescribed or as extended by a previous order	Housekeeping; correction of language
<b>§15-15-47</b> Filing.	The petitioner shall file one original, and one paper copy and one electronic copy of a petition for boundary amendment and all supporting documents and exhibits, with the commission. Additional copies shall be promptly provided if the chairperson or the executive officer so requests. The number and format of copies required under this section may be modified by order of the commission.	The petitioner shall file one original, <del>and one paper copy</del> and one <b><u>ADA compliant</u></b> electronic copy of a petition for boundary amendment and all supporting documents and exhibits, with the commission. Additional copies shall be promptly provided if the chairperson or the executive officer so requests. The number and format of copies required under this section may be modified by order of the commission.	Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws

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<p><b>§15-15-50 (c)(13)</b> Form and contents of petition.</p>	<p>new subsection (13) and renumbering of subsections (14) to (25)</p>	<p><b><u>(13) Certification or approval of the commission on water resources management for utilization of water from a specific aquifer or aquifer(s) for the project.</u></b></p>	<p>Provides and clarifies that a petition must include a certification or approval by CWRM that issues related to water availability for a project are addressed and mitigation measures identified. This ensures that the commission has the input of subject matter experts from the State prior to decision-making; and necessary renumbering due to insertion of new subsection.</p>
<p><b>§15-15-50 (c)(20)</b> Form and contents of petition.</p>	<p>"(20) Petitioners submitting petitions...with the demonstrated need therefor will be ..."</p>	<p>"(20) Petitioners submitting petitions...with the demonstrated need <del>therefor</del> <b>therefore</b> will be ..."</p>	<p>Housekeeping; correction of language</p>
<p><b>§15-15-50 (c)(27)</b>Form and Contents of Petition</p>	<p>new subsection (27)</p>	<p><b><u>Certification or approval by the state office of planning and sustainable development's state sustainability coordinator that all issues identified in §15-15-50 (c)(25) and (26) have been adequately addressed and climate adaptation and mitigation measures identified.</u></b></p>	<p>Provides and clarifies that a petition must include a certification or approval by the OPSD State Sustainability Coordinator that issues related to Section 226-108 and -109 are addressed and mitigation measures identified. This ensures that the commission has the input of subject matter experts from the State prior to decision-making</p>
<p><b>§15-15-50.6 (a) (1)</b> Withdrawal of amendment of petition</p>	<p>"(1) at any time before a petition for district boundary amendment is deemed a proper filing or, (2) any time..."</p>	<p>"(1) at any time before a petition for district boundary amendment is deemed a proper filing, or (2) any time..."</p>	<p>Housekeeping; movement of comma to correct grammar</p>
<p><b>§15-15-62 (a)</b> Ex parte communications</p>	<p>(a) No person whether or not a party to a proceeding before the commission shall make an unauthorized ex parte communication either oral or written about the proceeding to any member of the commission or hearings officer who shall be a participant in the decisionmaking process or the executive officer.</p>	<p>(a) No person whether or not a party to a proceeding before the commission shall make an unauthorized ex parte communication either oral or written about the proceeding to any member of the commission or hearings officer who shall be a participant in the decisionmaking process <del>or the executive officer.</del></p>	<p>Housekeeping; the executive officer is not a decision maker and therefore contact by parties with them is authorized</p>

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<b>§15-15-63(f)</b> Evidence.	With the approval of the presiding officer, a witness may read into the record the testimony of a witness on direct examination. Before any written testimony is read, unless excused by the presiding officer, the witness shall provide an original and one paper copy and one electronic copy of the written testimony to the chief clerk, with a copy to each party to the proceeding. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, a copy of the written testimony may be received into evidence without reading, provided that the witness shall be subject to proper cross-examination on matters contained in the written testimony. Any amendments to written direct and rebuttal testimony, or the introduction of totally new matters by revisions or supplements shall be accompanied by a sworn affidavit or declaration explaining why these matters were not submitted with the original written testimony.	With the approval of the presiding officer, a witness may read into the record the testimony of a witness on direct examination. Before any written testimony is read, unless excused by the presiding officer, the witness shall provide an original <del>and one paper copy</del> and <b>an ADA compliant</b> electronic copy of the written testimony to the chief clerk, with a copy to each party to the proceeding. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, a copy of the written testimony may be received into evidence without reading, provided that the witness shall be subject to proper cross-examination on matters contained in the written testimony. Any amendments to written direct and rebuttal testimony, or the introduction of totally new matters by revisions or supplements shall be accompanied by a sworn affidavit or declaration explaining why these matters were not submitted with the original written testimony.	Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
<b>§15-15-63(h)</b> Evidence.	Exhibits shall be legible and may be prepared on paper not exceeding 8-1/2 x 11 inches in size or bound or folded to the respective approximate size, where practical. Where practicable, sheets of each exhibit shall be numbered and data and other figures shall be set forth in tabular form. When exhibits are offered in evidence, the party shall <u> </u> furnish the original, one paper copy and one electronic copy of the exhibits to the chief clerk with a copy to each party to the proceeding, unless copies have been previously furnished or the presiding officer directs otherwise. The number and format of copies required under this section may be modified by order of the commission.	Exhibits shall be legible and may be prepared on paper not exceeding 8-1/2 x 11 inches in size or bound or folded to the respective approximate size, where practical. Where practicable, sheets of each exhibit shall be numbered and data and other figures shall be set forth in tabular form. When exhibits are offered in evidence, the party shall furnish the original, <del>one paper copy</del> and one <b>ADA compliant</b> electronic copy of the exhibits to the chief clerk with a copy to each party to the proceeding, unless copies have been previously furnished or the presiding officer directs otherwise. The number and format of copies required under this section may be modified by order of the commission.	Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
<b>§15-15-63(l)</b> Evidence.	"At the hearing, ...reserving an exhibit number therefor, but..."	"At the hearing, ...reserving an exhibit number <del>therefor</del> <b>therefore</b> , but..."	Housekeeping; correction of language
<b>§15-15-66</b> Removal from proceeding	Any person who wilfully disrupts a hearing or other proceeding may be removed from the hearing room.	Any person who <del>wilfully</del> <b>willfully</b> disrupts a hearing or other proceeding may be removed from the hearing room.)	Housekeeping; correction of language

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<b>§15-15-70 (d)</b> Motions	The moving party shall serve a copy of all motion papers on all other parties and shall file the original plus one paper copy and one electronic copy with the commission and proof of service. The number and format of copies required under this section may be modified by order of the commission	The moving party shall serve a copy of all motion papers on all other parties and shall file the original plus <del>one paper copy</del> and one <b>ADA compliant</b> electronic copy with the commission and proof of service. The number and format of copies required under this section may be modified by order of the commission	Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
<b>§15-15-70 (e)</b> Motions	The opposing party or parties shall serve on all other parties and file counter affidavits and memorandums in opposition to the motion and of the authorities relied upon not later than seven days after being served with any written motion, or, if the hearing on the motion will occur less than seven days after the motion is served, at least forty-eight hours before the time set for hearing, unless otherwise ordered by the chairperson, chairperson's designee, or hearings officer, The chairperson, chairperson's designee, or hearings officer may order the opposing party or parties to file its memorandum in opposition earlier than the seven day period. The opposing party shall file the original plus one paper copy and one electronic copy with the commission and proof of service. The number and format of copies required under this section may be modified by order of the commission	The opposing party or parties shall serve on all other parties and file counter affidavits and memorandums in opposition to the motion and of the authorities relied upon not later than seven days after being served with any written motion, or, if the hearing on the motion will occur less than seven days after the motion is served, at least forty-eight hours before the time set for hearing, unless otherwise ordered by the chairperson, chairperson's designee, or hearings officer, The chairperson, chairperson's designee, or hearings officer may order the opposing party or parties to file its memorandum in opposition earlier than the seven day period. The opposing party shall file the original <del>plus one paper copy</del> and one <b>ADA compliant</b> electronic copy with the commission and proof of service. The number and format of copies required under this section may be modified by order of the commission	Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws
<b>§15-15-70 (l)</b> Motions	new subsection (l) to be added after subsection (k)	<b><u>(l) The commission may dismiss or deny a motion if it determines that at the completion of the petitioner's presentation, that petitioner has not met its burden of proof to grant the motion, has failed to provide sufficient evidence to render a decision on the motion, or there are substantive or procedural defects in the motion.</u></b>	New subsection (l) provides commission with ability to dismiss or deny a motion when commission determines the petitioner has not met its burden of proof, failed to provide sufficient evidence to show good cause, or finds substantive or procedural defects in the motion.
<b>§15-15-70</b> Motions	subsections (l) and (m) to be renumbered	existing subsection (l) to be renumbered as (m) and existing subsection (m) to be renumbered as subsection (n)	Housekeeping

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<p><b>§15-15-77</b> Decision-making criteria for boundary amendment</p>	<p>Adding two new subsections and re-number former subsection "(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"</p>	<p><b>add two new sections and re-numbering section (e) to (g):</b></p> <p><b><u>(e) The Land Use Commission may dismiss a petition if it determines that there is insufficient time to complete the proceedings and that the parties have failed to provide sufficient evidence to render a decision on the petition.</u></b></p> <p><b><u>(f) The Land Use Commission may deny a petition if it concludes, at the completion of the petitioner's presentation, that the petitioner has not met its burden of proof to grant the petition as required by this section 15-15-77 or that there or substantive or procedural defects in the petition.</u></b></p> <p><del>(eg)</del> Amendments of a land use district...</p>	<p>New subsection (e) provides commission with ability to dismiss a petition when commission determines there is insufficient time to complete the proceedings and parties have not provided sufficient evidence to render a decision. New subsection (f) provides the Commission the ability to deny a petition immediately after hearing from the petitioner if the commission finds that petitioner has not met their burden of proof or there are substantive or procedural defects in the petition.</p>
<p><b>§15-15-78 (a) (2)</b> Incremental Districting</p>	<p>Amend the land use boundary for only that portion of the subject property which the petitioner plans to develop first and upon which it appears that substantial development can be completed within ten years after the date of the commission's approval: At the same time, the commission shall indicate its approval of the future land use bound~ry amendment of the total subject property requested by the petitioner, or so much thereof as shall be justified as appropriate therefor by the petitioner, such. approval to indicate a schedule of incremental land use boundary amendments over successive periods not to exceed ten years each. The commission may amend the land use boundary of the subject property, if it finds such an amendment is justified.</p>	<p>Amend the land use boundary for only that portion of the subject property which the petitioner plans to develop first and upon which it appears that substantial development can be completed within ten years after the date of the commission's approval: At the same time, the commission shall indicate its approval of the future land use boundary amendment of the total subject property requested by the petitioner, or so much thereof as shall be justified as appropriate <b>therefore</b> by the petitioner, such. approval to indicate a schedule of incremental land use boundary amendments over successive periods not to exceed ten years each. The commission may amend the land use boundary of the subject property, if it finds such an amendment is justified.</p>	<p>Housekeeping; correction of language</p>
<p><b>§15-15-78 (d) (1)</b> Incremental Districting</p>	<p>The petitioner shall file an original, one paper copy and one electronic copy of an application to approve the second or subsequent increments utilizing the same docket number as the original petition. The number and format of copies required under this section may be modified by order of the commission;</p>	<p>The petitioner shall file an original, <del>one paper copy</del> and one <b>ADA compliant</b> electronic copy of an application to approve the second or subsequent increments utilizing the same docket number as the original petition. The number and format of copies required under this section may be modified by order of the commission;</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Fedral and State laws</p>

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<p><b>§15-15-80</b> Briefs.</p>	<p>The presiding officer may fix the time for the filing of briefs. Exhibits may be reproduced in an appendix to a brief. A brief of more than twenty pages shall contain a subject index and table of authorities. Requests for extension of time to file briefs must be made to the commission in writing with one original, one paper copy, and one electronic copy filed with the commission, and a copy served upon or mailed to the parties to the proceeding. Ordinarily, when a matter is to be submitted on concurrent briefs, extensions shall not be granted unless a stipulation is filed with the commission.</p>	<p>The presiding officer may fix the time for the filing of briefs. Exhibits may be reproduced in an appendix to a brief. A brief of more than twenty pages shall contain a subject index and table of authorities. Requests for extension of time to file briefs must be made to the commission in writing with one original, <del>one paper copy</del>, and one <b>ADA compliant</b> electronic copy filed with the commission, and a copy served upon or mailed to the parties to the proceeding. Ordinarily, when a matter is to be submitted on concurrent briefs, extensions shall not be granted unless a stipulation is filed with the commission.</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-82(a)</b> Issuance of decisions and orders.</p>	<p>A proceeding shall stand submitted for decision by the commission after the taking of evidence, and the filing of briefs or the presentation of oral argument as may have been prescribed by the presiding officer or hearings officer. The petitioner shall submit a proposed decision and order which shall include proposed findings of fact, conclusions of law, and proposed conditions; all other parties may submit a proposed decision and order including proposed findings of fact, conclusions of law and proposed conditions. If a party enters into a partial stipulation as authorized in section 15-15-82.1, the party shall nevertheless file a proposed decision and order indicating the findings of fact, conclusions of law and proposed conditions that are stipulated to and also set forth proposed findings of fact, conclusions of law and proposed conditions that it proposes that are different than the stipulation. A proposed decision and order shall be filed with the commission consisting of one paper original, one paper copy, and one electronic copy, and a copy shall be served upon each party to the proceeding. Each party to the proceedings shall be given the opportunity to comment on each proposed decision and order filed with the commission.</p>	<p>A proceeding shall stand submitted for decision by the commission after the taking of evidence, and the filing of briefs or the presentation of oral argument as may have been prescribed by the presiding officer or hearings officer. The petitioner shall submit a proposed decision and order which shall include proposed findings of fact, conclusions of law, and proposed conditions; all other parties may submit a proposed decision and order including proposed findings of fact, conclusions of law and proposed conditions. If a party enters into a partial stipulation as authorized in section 15-15-82.1, the party shall nevertheless file a proposed decision and order indicating the findings of fact, conclusions of law and proposed conditions that are stipulated to and also set forth proposed findings of fact, conclusions of law and proposed conditions that it proposes that are different than the stipulation. A proposed decision and order shall be filed with the commission consisting of one paper original, <del>one paper copy</del>, and one <b>ADA compliant</b> electronic copy, and a copy shall be served upon each party to the proceeding. Each party to the proceedings shall be given the opportunity to comment on each proposed decision and order filed with the commission.</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>

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<p><b>§15-15-85(a)</b> Recommended decision.</p>	<p>(a) Upon completion of taking of the evidence, the hearings officer may request the parties to submit a proposed findings of fact, conclusions of law, and decision and order, consisting of one original, one paper copy, and one electronic copy. Proposed decision and orders submitted shall be served upon each party to the proceeding and an opportunity given to each party to comment thereon. Upon receipt of the proposed decision and orders and any comments from the parties, the hearings officer shall prepare and submit to the commission a recommended decision which shall include recommended findings of fact, conclusions of law and a recommended decision and order.</p>	<p>(a) Upon completion of taking of the evidence, the hearings officer may request the parties to submit a proposed findings of fact, conclusions of law, and decision and order, consisting of one original, <del>one paper copy</del>, and one <b>ADA compliant</b> electronic copy. Proposed decision and orders submitted shall be served upon each party to the proceeding and an opportunity given to each party to comment thereon. Upon receipt of the proposed decision and orders and any comments from the parties, the hearings officer shall prepare and submit to the commission a recommended decision which shall include recommended findings of fact, conclusions of law and a recommended decision and order.</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-90(e)(3)</b> Imposition of conditions; generally.</p>	<p>Petitioner shall timely provide without any prior notice, annual reports to the commission, state office of planning, and the respective county planning department in connection with the status of the project proposed for the land to which the boundary amendment applies, and petitioner's progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the executive officer of the commission . The annual report shall consist of one original, one paper copy, and one electronic copy, and shall be due prior to or on the anniversary date of the approval of the petition;</p>	<p>Petitioner shall timely provide without any prior notice, annual reports to the commission, state Office of Planning <b>and Sustainable Development</b>, and the respective county planning department in connection with the status of the project proposed for the land to which the boundary amendment applies, and petitioner's progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the executive officer of the commission . The annual report shall consist of one original, <del>one paper copy</del>, and one <b>ADA compliant</b> electronic copy, and shall be due prior to or on the anniversary date of the approval of the petition;</p>	<p>Housekeeping; corrects language to recognize OPSD; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-90(e)(5)(B)</b> Imposition of conditions; generally.</p>	<p>File a certified copy of such a recorded statement with the commission;</p>	<p>File a certified <b>ADA compliant electronic</b> copy of such recorded statement with the commission;</p>	<p>Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-90(e)(8)</b> Imposition of conditions; generally.</p>	<p>Provided that the proposed land uses include residential units, petitioner shall contribute to the development, funding, and construction of public school facilities as . determined by and to the satisfaction of the state department of education;</p>	<p>Provided that the proposed land uses include residential units, petitioner shall contribute to the development, <del>funding</del>, and construction of public school facilities as, determined by, and to the satisfaction of, the state department of education;</p>	<p>Housekeeping; clarifies language for conditions regarding state department of education facilities</p>



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<p><b>§15-15-90(e)(9)</b> Imposition of conditions; generally.</p>	<p>Petitioner shall participate in the funding and construction of adequate wastewater transmission and disposal facilities, on a fair-share basis, as determined by the respective county in which the land to which the boundary amendment applies is located, and the state department of health;</p>	<p>Petitioner shall <b><u>be required to seek approval of the Commission of Water Resource Management for utilization of water from a specific aquifer or aquifer(s) for the project. The CWRM may deny use of water from any existing aquifer if it determines such use will harm the aquifer exceed the capacity of the aquifer.</u></b> Petitioner shall participate in the funding and construction of adequate wastewater transmission and disposal facilities, on a fair-share basis, as determined by the respective county in which the land to which the boundary amendment applies is located, and the state department of health;</p>	<p>Provides and clarifies that if a petition is automatically approved under HRS 91-13.5; an automatic condition will require approval by CWRM as to the availability of water for the project. This ensures that the commission has the input of subject matter experts from the State</p>
<p><b>§15-15-90(e)(12)</b> Imposition of conditions; generally.</p>	<p>Petitioner shall have an archaeological inventory survey conducted by a professional archaeologist. The findings shall be submitted to the state department of land and natural resources, state historic preservation division in report format for adequacy review and a copy shall be provided to the commission. The state historic preservation division shall verify in writing with a copy provided to the commission that the survey report is acceptable, that significance evaluations are acceptable, and that mitigation commitments are acceptable;</p>	<p>Petitioner shall have an archaeological inventory survey conducted by a professional archaeologist. The findings shall be submitted to the state department of land and natural resources, state historic preservation division in report format for adequacy review and a <b><u>ADA compliant</u></b> electronic copy shall be provided to the commission. The state historic preservation division shall verify in writing with a copy provided to the commission that the survey report is acceptable, that significance evaluations are acceptable, and that mitigation commitments are acceptable;</p>	<p>Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-90(e)(13)</b> Imposition of conditions; generally.</p>	<p>If significant historic sites are present, the petitioner shall submit a detailed historic preservation mitigation plan for review by the state historic preservation division and a copy shall be provided to the commission. This plan may include preservation and archaeological data recovery subplans (detailed scopes of work). The state historic preservation division shall verify in writing with a copy provided to the commission that the plan has been successfully executed;</p>	<p>If significant historic sites are present, the petitioner shall submit a detailed historic preservation mitigation plan for review by the state historic preservation division and a <b><u>ADA compliant</u></b> electronic copy shall be provided to the commission. This plan may include preservation and archaeological data recovery subplans (detailed scopes of work). The state historic preservation division shall verify in writing with a <b><u>ADA compliant</u></b> electronic copy provided to the commission that the plan has been successfully executed;</p>	<p>Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-90(e)(15)</b> Imposition of conditions; generally</p>	<p>Petitioner shall participate in an air quality monitoring program as specified by the state department of health</p>	<p>Petitioner shall participate in an air quality monitoring <b><u>and mitigation</u></b> program as specified by the state department of health</p>	<p>Housekeeping; provides and clarifies that if a petition is automatically approved under HRS 91-13.5; an automatic condition will require an air quality monitoring and mitigation program as specified by the State DOH</p>

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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-90(e)(20)</b> Imposition of conditions; generally</p>	<p>Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the land to which the boundary amendment applies to the satisfaction of the appropriate state and county agencies;</p>	<p>Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the land to which the boundary amendment applies to the satisfaction of the appropriate state and county agencies. <u>Such mitigation measures shall be required by the Office of Planning and Sustainable Development's State Sustainability Coordinator to ensure that the infrastructure and mitigation measures are sufficient to address increased capacity requirements to climate change.</u></p>	<p>Provides and clarifies that if a petition is automatically approved under HRS 91-13.5; an automatic condition will require OPSPD's Sustainability Coordinator to review that any proposed drainage infrastructure and mitigation measures adequately addresses climate change. This ensures that the commission has the input of subject matter experts from the State</p>
<p><b>§15-15-90(e)(25)</b> Imposition of conditions; generally</p>	<p>new subsection</p>	<p><u>(25) Petitioner shall be required to submit for review and approval by the state office of planning and sustainable development's state sustainability coordinator compliance with chapter 226, HRS.</u></p>	<p>Provides and clarifies that if a petition is automatically approved under HRS 91-13.5; an automatic condition will require OPSPD's Sustainability Coordinator to review the petition for compliance with the Hawai'i State Plan, Chapter 226 HRS. This ensures that the commission has the input of subject matter experts from the State</p>
<p><b>§15-15-92(b)(3)</b> Filing procedure for conditions imposed by the commission.</p>	<p>Evidence of recordation shall be by certified copy under the signature of the registrar of conveyances. The petitioner shall forward a certified copy to the commission; a</p>	<p>Evidence of recordation shall be by certified copy under the signature of the registrar of conveyances. The petitioner shall forward a certified electronic <b>ADA compliant</b> copy to the commission; a</p>	<p>Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-93(a)</b> Enforcement of conditions, representations, or commitments.</p>	<p>Any party or interested person may file a motion with the commission requesting an issuance of an order to show cause upon- a showing that there has been a failure to perform a condition, representation, or commitment on the part of the petitioner. The party or person shall also serve a copy of. the motion for an order to show cause upon any person bound by the condition, representation, or commitment. The motion for order to show cause shall state:</p>	<p>Any party or interested person may file a motion with the commission requesting an issuance of an order to show cause upon- a showing that there has been a failure to perform a condition, representation, or commitment on the part of the petitioner. The party or person shall also serve an electronic <b>ADA compliant</b> copy of the motion for an order to show cause upon any person bound by the condition, representation, or commitment. The motion for order to show cause shall state:</p>	<p>Housekeeping; clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>

## LUC Proposed Hawai'i Admin Rules Changes

Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-93(b)</b> Enforcement of conditions, representations, or commitments.</p>	<p>Whenever the commission shall have reason to believe that there has been a failure to perform according to the conditions imposed, or the representations or commitments made by the petitioner, the commission shall issue and serve upon the party or person bound by the conditions, representations, or commitments, an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification. The commission shall serve the order to show cause in writing by registered or certified mail with return receipt requested at least thirty days before the hearing. A copy shall be also sent to all parties in the boundary amendment proceedings. The order to show cause shall include:</p>	<p>Whenever the commission shall have reason to believe that there has been a failure to perform according to the conditions imposed, or the representations or commitments made by the petitioner, the commission shall issue and serve upon the party or person bound by the conditions, representations, or commitments, an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification. The commission shall serve the order to show cause in writing by registered or certified mail with return receipt requested at least thirty days before the hearing. An electronic <b>ADA compliant</b> copy shall be also sent to all parties in the boundary amendment proceedings. The order to show cause shall include:</p>	<p>Housekeeping; Provides and clarifies that if a petition is automatically approved under HRS 91-13.5; an automatic condition will require</p>
<p><b>§15-15-94(a)</b> Modification or deletion of conditions or orders .</p>	<p>If a petitioner, pursuant to this subsection, desires to have a modification or deletion of a condition that was imposed by the commission, or imposed pursuant to section 15-15-90(e) or (f), or modification of the commission's order, the petitioner shall file a motion in accordance with section 15-15-70 and serve a copy on all parties to the boundary amendment proceeding in which the condition was imposed or in which the order was issued, and to any person that may have a property interest in the subject property as recorded in the county's real property tax records at the time that the motion is filed.</p>	<p>If a petitioner, pursuant to this subsection, desires to have a modification or deletion of a condition that was imposed by the commission, or imposed pursuant to section 15-15-90(e) or (f), or modification of the commission's order, the petitioner shall file a motion in accordance with section 15-15-70 and serve an electronic <b>ADA compliant</b> copy on all parties to the boundary amendment proceeding in which the condition was imposed or in which the order was issued, and to any person that may have a property interest in the subject property as recorded in the county's real property tax records at the time that the motion is filed.</p>	<p>Housekeeping; Provides and clarifies that if a petition is automatically approved under HRS 91-13.5; an automatic condition will require</p>
<p><b>§15-15-94(b)</b> Modification or deletion of conditions or orders .</p>	<p>new subsection</p>	<p><b><u>(b) For modification or deletion of conditions under the purview of the state commission on water resource management, the petitioner shall be required to provide a sign-off or approval of the state commission on water resource management.</u></b></p>	<p>Housekeeping; Provides and clarifies that modification or deletion of conditions under the purview of CWRM will require a sign-off or approval of CWRM as to the satisfaction of existing condition(s) or agreement to modification of condition(s). This ensures that the commission has the input of subject matter experts from the State</p>

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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-94(c)</b> Modification or deletion of conditions or orders .</p>	<p>new subsection</p>	<p><b><u>(c) For modification or deletion of conditions under the purview of the state office of planning and sustainable development's state sustainability coordinator, the petitioner shall be required to provide a sign-off or approval of the state sustainability coordinator.</u></b></p>	<p>Housekeeping; Provides and clarifies modification or deletion of conditions under the purview of the OPSD State Sustainability Coordinator will require a sign-off or approval of the Sustainability Coordinator as to the satisfaction of existing condition(s) or agreement to modification of condition(s). This ensures that the commission has the input of subject matter experts from the State</p>
<p><b>§15-15-94(d)</b> Modification or deletion of conditions or orders .</p>	<p>(b) for good cause shown, the commission may act to modify or delete any of the conditions imposed or modify the commission's order.</p>	<p><b><u>(bd)</u></b> for good cause shown, the commission may act to modify or delete any of the conditions imposed or modify the commission's order.</p>	<p>Housekeeping; subsection (b) becomes new subsection (d)</p>
<p><b>§15-15-94(e)</b> Modification or deletion of conditions or orders .</p>	<p>(c) Any modification or deletion of conditions or modifications to the commission's order shall follow the procedures set forth in subchapter 11.</p>	<p><b><u>(ee)</u></b> Any modification or deletion of conditions or modifications to the commission's order shall follow the procedures set forth in subchapter <del>11</del><b>9</b>.</p>	<p>Housekeeping; subsection (c) becomes new subsection (e); and correction that procedures follow subchapter 9 Post Hearing Procedures for Hearings Before The Commission</p>
<p><b>§15-15-95(c)</b> Petition before the county planning commission</p>	<p>Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":</p>	<p>Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. <del>The following guidelines are established in</del> <b><u>When</u></b> determining <b><u>whether</u></b> an "unusual and reasonable use" <b><u>is permitted, the county planning commission, and/or the commission if commission approval is required, may deny a special permit only if one or more of the following guidelines is determined to be violated:</u></b></p>	<p>This language follows the approach in Thomas v. Chicago Park District, 534 U.S. 316, 324 (2002). It is also consistent with Neighborhood Board No. 24 (Waianae Coast) v. State Land Use Commission, 64 Haw. 265, 270, 639 P.2d 1097, 1101 (1982). The decisionmaker can deny a special permit only if one or more of the subsections is violated. You need at least one subsection violated in order to deny a permit.</p>

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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-95(c)(2)</b> Petition before the county planning commission</p>	<p>The proposed use would not adversely affect surrounding property;</p>	<p>The proposed use would not adversely affect <u>the safety of</u> surrounding property <u>to an unreasonable degree, by causing physical harm to property or residents; causing air, water, or noise pollution; increasing trash or debris; increasing traffic or impairing traffic safety; impairing sanitation or sewers; impairing flood control; increasing crime or trespassing; or increasing fire risk</u></p>	<p>Added the word “safety,” since the Ninth Circuit panel decision seems to favor “safety.”</p> <p>New “unreasonable[ness]” language added so as to avoid the argument that any amount of pollution, etc., no matter how small, can be used to deny a permit. <i>Trewhella v. City of Lake Geneva</i>, 249 F. Supp. 2d 1057 (E.D. Wis. 2003). Also consistent with “unreasonable danger” and “unreasonable risk” language upheld in <i>Seattle Affiliate of the Oct. 22nd Coalition to Stop Police Brutality v. City of Seattle</i>, 550 F.3d 788, 800 (9th Cir. 2008).</p> <p>More detail added so as to avoid “adversely affect” language being criticized as too general and subjective. Provides specific and objective descriptions of the adverse effects, such as physical harm to property or residents; air, water, or noise pollution; trash or debris; etc.</p>
<p><b>§15-15-95(c)(4)</b> Petition before the county planning commission</p>	<p>Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and</p>	<p>Unusual conditions, trends, and needs <u>relating to the unsuitability of the land for permitted uses or the suitability of the land for other uses</u> have arisen since the district boundaries and rules were established; <u>or</u></p>	<p>Provides clarification that the “conditions, trends, and needs” should relate to the suitability or unsuitability of the land for the uses in question. “And” is replaced by “or” since each subsection functions independently</p>
<p><b>§15-15-95(c)(5)</b> Petition before the county planning commission</p>	<p>The land upon which the proposed use is sought is unsuited for the uses permitted within the district.</p>	<p>The land upon which the proposed use is sought is unsuited <u>or not well-suited</u> for the uses permitted within the district.</p>	<p>This language added so the applicant does not have to show that the land is completely unsuited for the original use. Just have to show that the land is not well-suited. Gives some flexibility to the standard.</p>
<p><b>§15-15-97(b)(1)</b> Procedure for processing petitions for housing projects under section 201H-38, HRS</p>	<p>File an original, one paper copy, and one electronic copy of a notice of intent to file a petition with the commission according to a format provided by the commission; the number and format of copies required under this section may be modified by order of the commission</p>	<p>File an original, <del>one paper copy</del>, and one <u>ADA compliant</u> electronic copy of a notice of intent to file a petition with the commission according to a format provided by the commission; the number and format of copies required under this section may be modified by order of the commission</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>

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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-97(b)(4)</b> Procedure for processing petitions for housing projects under section 201H-38, HRS</p>	<p>File an original and one paper copy of an affidavit of mailing the notices of intent to the persons specified in paragraph</p>	<p>File an original and <del>one paper copy</del> and an <b>ADA compliant</b> electronic copy of an affidavit of mailing the notices of intent to the persons specified in paragraph</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-97(e)</b> Procedure for processing petitions for housing projects under section 201H-38, HRS</p>	<p>Petitions to intervene and become a party shall be in conformity with s ubchapter 5 and filed with the commission . An original and one paper copy, together with one electronic copy of the petition for intervention with proof of service on all parties shall be filed with the commission within fifteen days after the notice of intent to · file a petition is published pursuant to section 15-15-97(b) (2). Except for good cause shown, late filing shall not be permitted.</p>	<p>Petitions to intervene and become a party shall be in conformity with s ubchapter 5 and filed with the commission . An original <del>and one paper copy,</del> together with one <b>ADA compliant</b> electronic copy of the petition for intervention with proof of service on all parties shall be filed with the commission within fifteen days after the notice of intent to file a petition is published pursuant to section 15-15-97(b) (2). Except for good cause shown, late filing shall not be permitted.</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-99</b> Petition for declaratory order; form and contents.</p>	<p>The petition shall be submitted consisting of one original, one paper copy, and one electronic copy, and shall conform to the format requirements of sections 15-15-38, 15-15-39, and 15-15-40, and shall contain:</p>	<p>The petition shall be submitted consisting of one original, <del>one paper copy,</del> and one <b>ADA compliant</b> electronic copy, and shall conform to the format requirements of sections 15-15-38, 15-15-39, and 15-15-40, and shall contain:</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-101</b> Declaratory Orders; dismissal of Petition</p>	<p>The commission, without notice or hearing, may dismiss a petition for declaratory order that fails in mate rial respect to comply with the requirements of this subchapter. The dismissal shall be in writing and state the reasons therefor.</p>	<p>The commission, without notice or hearing, may dismiss a petition for declaratory order that fails in material respect to comply with the requirements of this subchapter. The dismissal shall be in writing and state the reasons <b><u>for the dismissal.</u></b></p>	<p>Clarifies that a commission dismissal of petition for declaratory order will be in writing and state reasons for the dismissal</p>

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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-105(b)</b> Initiation of rulemaking proceedings.</p>	<p>(b) Any interested person may petition the commission for the adoption, amendment, or repeal of any rule of the commission. The petitioner shall file and deliver one original, one paper copy and one electronic copy of the petition to the office of the commission. The number and format of copies required under this section may be modified by order of the commission. Petitions for rulemaking filed with the commission shall become matters of public record.</p>	<p>(b) Any interested person may petition the commission for the adoption, amendment, or repeal of any rule of the commission. The petitioner shall file and deliver one original, <del>one paper copy</del> and one <b>ADA compliant</b> electronic copy of the petition to the office of the commission. The number and format of copies required under this section may be modified by order of the commission. Petitions for rulemaking filed with the commission shall become matters of public record.</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-106</b> Rulemaking; form and contents of petition</p>	<p>The signature of each petitioner. Any petition which does not conform to the foregoing requirements may be rejected by the commission. The rejection shall be in writing and shall state the reasons therefor.</p>	<p>The signature of each petitioner. Any petition which does not conform to the foregoing requirements may be rejected by the commission. The rejection shall be in writing and shall state the reasons <b>for rejection.</b></p>	<p>Housekeeping; clarifies that a rejection shall be in writing and state the reasons for the rejection</p>
<p><b>§15-15-107 (b)</b> Rulemaking; action on petition</p>	<p>Any petition that fails in material respect to comply with the requirements of this subchapter, or that fails to disclose sufficient reasons to justify the institution of public rulemaking proceedings shall not be considered by the commission. The commission shall notify the petitioner in writing of the denial, stating the reasons therefor. Denial of a petition shall not prevent the commission from acting on its own motion on any matter contained in the petition.</p>	<p>Any petition that fails in material respect to comply with the requirements of this subchapter, or that fails to disclose sufficient reasons to justify the institution of public rulemaking proceedings shall not be considered by the commission. The commission shall notify the petitioner in writing of the denial, stating the reasons <b>for its decision.</b> Denial of a petition shall not prevent the commission from acting on its own motion on any matter contained in the petition.</p>	<p>Housekeeping; clarifies that a denial shall be in writing and state the reasons for the denial</p>
<p><b>§15-15-108 (a)</b> Rulemaking; notice of public hearing</p>	<p>When, pursuant to a petition therefor or upon its own motion, the commission proposes to adopt, amend, or repeal any rule, the notice of hearing shall be published pursuant to the requirements of sections 1-28.5 and 91-3, HRS. The notice of hearing shall also be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings at their last recorded address. The notice of hearing shall be published at least thirty days prior to the date set for public hearing. The notice of hearing shall also be filed with the lieutenant governor's office.</p>	<p>When, pursuant to a petition <b>therefore</b> or upon its own motion, the commission proposes to adopt, amend, or repeal any rule, the notice of hearing shall be published pursuant to the requirements of sections 1-28.5 and 91-3, HRS. The notice of hearing shall also be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings at their last recorded address. The notice of hearing shall be published at least thirty days prior to the date set for public hearing. The notice of hearing shall also be filed with the lieutenant governor's office.</p>	<p>Housekeeping; correction of language</p>

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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-109 (d)</b> Rulemaking; Conduct a public hearing</p>	<p>Each witness, before proceeding to testify, shall state the witness' name, address, and whom the witness represents at the hearing, and shall give any information respecting the witness' appearance as the presiding officer may request. The presiding officer shall confine the testimony to the matters for which the hearing has been called. In order to allow persons to have an equal amount of time to testify, or to prevent cumulative unnecessary testimony, the presiding officer may limit the amount of time for testimony per individual or per issue. Every witness may be subject to questioning by the members of the commission or by any other representative of the commission. Questions by other than commission members or staff shall be permitted only at the discretion of the presiding officer.</p>	<p>Each witness, before proceeding to testify, shall state the witness' name, address, and whom the witness represents at the hearing, and shall give any information respecting the witness' appearance as the presiding officer may request. The presiding officer shall confine the testimony to the matters for which the hearing has been called. In order to allow persons to have an equal amount of time to testify, or to prevent cumulative unnecessary testimony, the presiding officer may limit the amount of time for testimony per individual or per issue. Every witness may be subject to questioning by the members of the commission or by any other representative of the commission. Questions <b>from parties other than the commission</b> <del>by other than commission members or staff</del> shall be permitted only at the discretion of the presiding officer.</p>	<p>Housekeeping; clarifies language that allows for questioning by others during rulemaking public hearings, is at discretion of the presiding officer</p>
<p><b>§15-15-109 (e)</b> Rulemaking; Conduct a public hearing</p>	<p>(e) All interested persons or agencies shall be afforded an opportunity to submit data, views, or arguments orally or in writing that are relevant to the matters specified in the notice of hearing. A person may submit written comments, data, views, or arguments ten days after the close of the scheduled public hearing date. An original and one paper copy and one electronic copy of written comments, recommendations, replies, or exhibits shall be submitted.</p>	<p>(e) All interested persons or agencies shall be afforded an opportunity to submit data, views, or arguments orally or in writing that are relevant to the matters specified in the notice of hearing. A person may submit written comments, data, views, or arguments ten days after the close of the scheduled public hearing date. An original and <del>one paper copy</del> and one <b>ADA compliant</b> electronic copy of written comments, recommendations, replies, or exhibits shall be submitted.</p>	<p>Housekeeping; reduces filing requirements for parties; and clarifies that electronic filings must be ADA compliant to conform to Federal and State laws</p>
<p><b>§15-15-127 (f)</b> Standards and criteria for the reclassification or rezoning of important agricultural lands,</p>	<p>The commission may, upon petition by the farmer or landowner of lands designated as important agricultural lands, remove all or a portion of those important agricultural lands from the "important agricultural lands" designation if, after a hearing held pursuant to subchapter 14, the commission finds upon a preponderance of the evidence that a sufficient supply of water is no longer available to allow profitable farming of the land due to governmental actions, acts of God, or other causes beyond the farmer's or landowner's reasonable control.</p>	<p>The commission may, upon petition by the farmer or landowner of lands designated as important agricultural lands, remove all or a portion of those important agricultural lands from the "important agricultural lands" designation if, after a hearing held pursuant to subchapter 14, the commission finds upon a preponderance of the evidence that a sufficient supply of water is no longer available to allow profitable farming of the land due to governmental actions, <del>acts of God</del> <b>natural disasters or accidents that are caused without human intervention</b>, or other causes beyond the farmer's or landowner's reasonable control.</p>	<p>Housekeeping; provides clearer language for one of the reasons why lands might be removed from an important agricultural lands designation</p>



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Rule	Original Wording	Changes in Wording	Reasoning
<p><b>§15-15-128 (b)</b> Periodic review and amendment of important agricultural lands maps.</p>	<p>In a county-initiated proceeding for an amendment of important agricultural land maps and designation under section 15-15-128(a), the "important agricultural lands" designation shall be removed from lands previously designated as important agricultural lands where the commission finds, by a preponderance of the evidence, that a sufficient supply of water is no longer available to allow profitable farming of the lands due to governmental actions, acts of God, or other causes beyond the farmer or landowner's reasonable control.</p>	<p>In a county-initiated proceeding for an amendment of important agricultural land maps and designation under section 15-15-128(a), the "important agricultural lands" designation shall be removed from lands previously designated as important agricultural lands where the commission finds, by a preponderance of the evidence, that a sufficient supply of water is no longer available to allow profitable farming of the lands due to governmental actions, <del>acts of God</del> <b><u>natural disasters or accidents that are caused without human intervention</u></b>, or other causes beyond the farmer or landowner's reasonable control.</p>	<p>Housekeeping; provides clearer language for one of the reasons why lands might be removed from an important agricultural lands designation</p>