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OFFICE OF THE
COUNTY COUNCIL

September 16, 2016

MEMO TO: PIA-4(2) File

F R O M: Robert Carroll
Councilmember



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
2017 MAUI COUNTY LEGISLATIVE PACKAGE** (PIA-4(2))

The attached legislative proposal pertains to Item 4(2) on the Committee's agenda.

paf:cmn:16-011f

Attachment

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2017 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL
TO AUTHORIZE COUNTIES TO PROCESS
DISTRICT BOUNDARY AMENDMENTS OF
FIFTY ACRES OR LESS

WHEREAS, there is a critical need to increase the housing inventory in the State; and

WHEREAS, costs associated with the land use entitlement process discourage housing development and increase housing costs; and

WHEREAS, the multi-tier reviews associated with district boundary amendments, community plan amendments, changes in zoning, and special management area permits, where applicable, before different governmental bodies escalate costs and time for developing projects; and

WHEREAS, improved planning capabilities and geographic information systems technology and multiple opportunities for public input in the county where the property is located, provide adequate safeguards at the local level to require needed infrastructure and protect critical natural and cultural resources; and

WHEREAS, Section 205-3.1, Hawaii Revised Statutes, authorizes the appropriate county land use decision-making authority to process district boundary amendments of fifteen acres or less, while boundary amendments greater than fifteen acres are required to be processed by the State Land Use Commission; and

WHEREAS, increasing the county's jurisdiction over district boundary amendments to include property up to fifty acres represents an appropriate balance, where the State will still maintain oversight for larger projects that are more likely to impact State resources; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to authorize the appropriate county land use decision-making

authority to process district boundary amendments of fifty acres or less, is approved for inclusion in the 2017 Maui County Legislative Package; and

2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

paf:cmn:16-011e

____.B. NO.____

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

8 (b) Any department or agency of the State, and 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 appropriate county land use
12 decision-making authority of the county in which the land is
13 situated for a change in the boundary of a district involving
14 lands [~~less than fifteen~~] of fifty acres or less presently in
15 the rural and urban districts and lands [~~less than fifteen~~] of
16 fifty acres or less in the agricultural district that are not
17 designated as important agricultural lands.

____.B. NO. _____

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

15 (d) The county land use decision-making authority shall
16 serve a copy of the application for a district boundary
17 amendment to the land use commission and the department of
18 business, economic development, and tourism and shall notify the
19 commission and the department of the time and place of the
20 hearing and the proposed amendments scheduled to be heard at the
21 hearing. A change in the state land use district boundaries
22 pursuant to this subsection shall become effective on the day

____.B. NO. _____

1 designated by the county land use decision-making authority in
2 its decision. Within sixty days of the effective date of any
3 decision to amend state land use district boundaries by the
4 county land use decision-making authority, the decision and the
5 description and map of the affected property shall be
6 transmitted to the land use commission and the department of
7 business, economic development, and tourism by the county
8 planning director."

9 SECTION 2. Statutory material to be deleted is bracketed
10 and in strikethrough. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

12

13 INTRODUCED BY: _____

14

15 paf:cmn:16-011b