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September 15, 2016

2016 SEP 15 PM 3:36

OFFICE OF THE
COUNTY COUNCIL

MEMO TO: PIA-4(2) File

F R O M: Michael P. Victorino, Chair 
Policy and Intergovernmental Affairs Committee

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.

pia:ltr:004(2)amc06:kcw

Attachment

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2017 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL TO
ALLOW COUNTIES TO PETITION THE STATE LAND
USE COMMISSION FOR REGIONAL DISTRICT
BOUNDARY AMENDMENTS AFTER ADOPTION OF
GENERAL PLAN UPDATES

WHEREAS, State law requires the counties to adopt general plans and update them on a regular basis; and

WHEREAS, there is no specific provision for the counties to seek district boundary amendments for lands identified for reclassification in updated general plans; and

WHEREAS, allowing the counties to petition the State Land Use Commission for regional district boundary amendments needed after adoption of updates to their county general plans would ensure that recommendations made in the plan are processed in an orderly, efficient, and timely manner; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to allow counties to petition the State Land Use Commission for regional district boundary amendments after adoption of general plan updates, 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.

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A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The purpose of this Act is to aid the counties
2 in implementing their general plans by submitting them to the
3 State Land Use Commission for comprehensive redistricting, where
4 appropriate.

5 The State Land Use Law, Act 187, now codified as Chapter
6 205, Hawaii Revised Statutes, was originally adopted in 1961, in
7 part to address inadequate long-term land use planning on the
8 county level. Previously, agricultural land had been converted
9 for residential or other uses in a haphazard manner, without
10 consideration of any cohesive or efficient pattern of using
11 land. Prime agricultural land was being converted to
12 residential use with subdivisions located away from public
13 services.

14 The State Land Use Law identified four land-use districts,
15 each with its own standards and boundaries. To ensure the
16 orderly development of land for the public welfare, the State
17 Land Use Commission was established and charged with setting

EXHIBIT "A"

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1 standards and determining the boundaries of the urban, rural,
2 agricultural, and conservation districts. The process for
3 redistricting of lands is referred to as a "district boundary
4 amendment" which may be done on petition by private landowners,
5 developers, and State and county agencies.

6 Pursuant to Section 205-18, Hawaii Revised Statutes, the
7 office of planning is required to undertake a review of the
8 classification and districting of all lands in the State, within
9 five years from December 31, 1985, and every fifth year
10 thereafter. However, there have been only three 5-year boundary
11 reviews. The focus of these review efforts by the office of
12 planning has been on the Hawaii State plan, county general
13 plans, and county development and community plans. Although the
14 office of planning may initiate comprehensive, state land use
15 boundary amendments after completion of its five-year boundary
16 review of plans, it has seldom done so. This is a missed
17 opportunity to ensure that state land use districts conform to
18 county plans.

19 Under current practice, district boundary amendments are
20 done, almost exclusively, on a case-by-case basis, driven by
21 landowners and developers. This project-by-project review is
22 not only far from comprehensive, but time-consuming and

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1 expensive, adding to the cost of housing and doing business in
2 the state. With the emphasis on individual amendments, the
3 perspective of regional planning is largely lost.

4 The Hawaii State Planning Act, Chapter 226, Hawaii Revised
5 Statutes, was enacted in 1978, requiring counties to adopt long-
6 range comprehensive plans to identify where growth and
7 preservation should occur. The counties now develop and adopt
8 their general plans in compliance with the Act, taking into
9 account population and demographic projections, infrastructural
10 needs, and conservation of natural and cultural resources. The
11 county adoption process involves public engagement and
12 sophisticated geographical information systems. The plans
13 typically have 20-year time frames with updates every 10 years.

14 Since 1978, each of the counties has developed modern
15 planning departments with capable professionals able to not only
16 prepare detailed plans, but to follow through with implementing
17 them. These plans, however, can be difficult to implement at
18 the state level if district boundaries are determined on a
19 project-by-project basis and not reviewed in a regional,
20 comprehensive manner. Allowing the counties to submit their
21 general plans to the commission for review and to request land
22 use district boundary amendments where appropriate would

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1 accomplish the intent of Act 187 to further efficient land use
2 patterns, aid the counties in implementing their general plans,
3 and reduce the cost of permitting that is passed along to
4 consumers.

5 SECTION 2. Section 205-18, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **§205-18 Periodic review of districts.** (a) The office of
8 planning shall undertake a review of the classification and
9 districting of all lands in the State, within five years from
10 December 31, 1985, and every fifth year thereafter. The office,
11 in its five-year boundary review, shall focus its efforts on
12 reviewing the Hawaii state plan, county general plans, and
13 county development and community plans. Upon completion of the
14 five-[-]year boundary review, the office shall submit a report
15 of the findings to the commission. The office may initiate
16 state land use boundary amendments which it deems appropriate to
17 conform to these plans. The office may seek assistance of
18 appropriate state and county agencies and may employ consultants
19 and undertake studies in making this review.

20 (b) The counties may submit their general plans to the
21 commission for review and request land use boundary amendments

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1 for those lands designated for urban, rural, agricultural, and
2 conservation uses in conformance with those plans.

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

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

6

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8 INTRODUCED BY: _____

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10 pia:misc:004(2)abill05:kcw