

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 2904  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2904 entitled:

"A BILL FOR AN ACT RELATING TO COUNTY GENERAL PLANS,"

begs leave to report as follows:

The purpose of this bill is to affirm the position of county general plans and development plans in the land use regulatory process by clarifying that general plans and development plans are not intended to serve as, or replace the county regulatory process.

The Building Industry Association - Hawaii, The Chamber of Commerce of Hawaii, Land Use Research Foundation, and a concerned individual supported this bill. The Maui County Department of Planning, a member of the Maui County Council, Maui Tomorrow Foundation, Inc., and several concerned individuals opposed this bill.

Your Committee has amended this bill by:

- (1) Removing the provision that general and development plans shall not replace the county's power to establish zoning or subdivision requirements by ordinance or rule;
- (2) Clarifying that the State General Plan remains as the ultimate controlling authority of land use in the State of Hawaii;



- (3) Clarifying the counties' authority to plan and zone in lands outside of conservation areas;
- (4) Providing that even if they are discouraged, land uses that are permitted:
  - (A) Under the state general plan;
  - (B) A county's general plan or development plan; and
  - (C) The county's current zoning,for a tract of land, shall not be denied for lack of consistency or conformity;
- (5) Changing the effective date to December 21, 2058, to encourage further discussion; and
- (6) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2904, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2904, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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JON RIKI KARAMATSU, Chair



