

JAN 20 2017

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 land use commission for comprehensive redistricting, where
4 appropriate.

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

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



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 five-year
11 boundary reviews. The focus of these review efforts by the
12 office of planning has been on the Hawaii state plan, county
13 general plans, and county development and community plans.
14 Although the office of planning may initiate comprehensive,
15 state land use boundary amendments after completion of its five-
16 year boundary review of plans, it has seldom done so. This is a
17 missed opportunity to ensure that state land use districts
18 conform to 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



1 not only far from comprehensive, but time-consuming and
2 expensive, adding to the cost of housing and doing business in
3 the State. With the emphasis on individual amendments, the
4 perspective of regional planning is largely lost.

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

16 Since 1978, each of the counties has developed modern
17 planning departments with capable professionals able to not only
18 prepare detailed plans, but to follow through with implementing
19 them. These plans, however, can be difficult to implement at
20 the state level if district boundaries are determined on a
21 project-by-project basis and not reviewed in a regional,



1 comprehensive manner. Allowing the counties to submit their
2 general plans to the State's land use commission for review and
3 to request land use district boundary amendments where
4 appropriate would accomplish the intent of Act 187 to promote
5 efficient land use patterns, aid the counties in implementing
6 their general plans, and reduce the cost of permitting that is
7 passed along to consumers.

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

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



S.B. NO. 487

1 appropriate state and county agencies and may employ consultants
2 and undertake studies in making this review.

3 (b) The counties may submit their general plans to the
4 commission for review and request land use boundary amendments
5 for those lands designated for urban, rural, agricultural, and
6 conservation uses in conformance with those plans."

7 SECTION 3. New statutory material is underscored.

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

9

INTRODUCED BY: _____

M.W.M.
By Request



S.B. NO. 487

Report Title:

Maui County Package; Land Use; Land Use Commission; County
General Plans

Description:

Allows counties to submit their general plans to LUC for review
and to request land use boundary amendments in conformance with
those plans.

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not legislation or evidence of legislative intent.*

