

JAN 19 2018

A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITIES.

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

1 SECTION 1. The legislature finds that in master planned
2 communities, sometimes developers fail to develop plots of land
3 as originally planned. In central Oahu, a section of land in a
4 master planned community was originally designated to be a golf
5 course, however the developer could not complete the project due
6 to financial constraints and the land was sold and is currently
7 used as farm land. Many residents were confused and frustrated
8 as there was no notification of the land being sold or the
9 development plan being changed.

10 The legislature further finds that a mandatory public
11 hearing when changes in the master plan occur would give the
12 neighboring public an opportunity to be better informed of what
13 is happening in their community.

14 The purpose of this Act is to require the counties to
15 designate an agency to inform the public and hold a hearing when
16 lands for purposes other than proposed as part of a master plan
17 for a community are being sold.



SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§46- Proposed land sale; community master plan's intended use; public hearing. (a) If any parcel of land included within a community master plan is proposed for sale and intended to be used for a purpose other than as proposed in the community master plan, the owner of the parcel shall inform the planning department of the county in which the parcel of land is located of the proposed sale and of the intended use of the parcel no later than days before the sale of the land.

(b) Upon notice from the owner pursuant to subsection (a), the county shall provide public notice of the proposed sale of the parcel, the intended use of the parcel, and a public hearing that shall include the information required by the community and public notice procedures adopted pursuant to subsection (c).

(c) Each county shall adopt community and public notice procedures pursuant to chapter 91 that shall include, at a minimum:

(1) A means to effectively engage the surrounding community of the parcel of land to ensure that



1 community concerns are received and considered by any
2 agency required to take action to allow or condition
3 the modification in intended use of the parcel;

4 (2) The posting of the proposed plans for intended use of
5 the parcel, public hearing notices, and minutes of the
6 public hearing on the county's website, including but
7 not limited to:

8 (A) Project specifications; and

9 (B) Requests for variance, exemption, or modification
10 of the community development plan; and


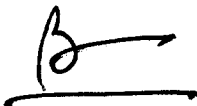
11 (3) Any other information that the public may find useful
12 so that it may meaningfully participate in the
13 decision-making process."


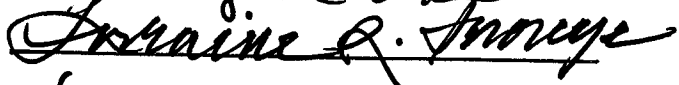
14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2018.

19  INTRODUCED BY: 





S.B. NO. 2377

Report Title:

Master Plan; Public Hearing; Land Use; Counties

Description:

Requires the counties to designate an agency to inform the public and hold a hearing when lands included in a community master plan are proposed for sale and intended to be used for a purpose other than as proposed in the master plan.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

