

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

November 16, 2012

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on October 31, 2012, makes reference to County Communication 12-215, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "URGING THE 2013 HAWAII STATE LEGISLATURE TO REPEAL CHAPTER 171C, HAWAII REVISED STATUTES, TO ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION".

The purpose of the proposed resolution is to urge the 2013 Hawaii State Legislature to repeal Chapter 171C, Hawaii Revised Statutes ("HRS"), to abolish the Public Land Development Corporation ("PLDC"). The PLDC is the land development branch of the State Department of Land and Natural Resources.

The PLDC was created to administer an appropriate and culturally-sensitive public land development program to optimize the use of such land for the economic, environmental, and social benefit of the people of Hawaii. Chapter 171C, HRS, gives the PLDC broad powers to develop identified public lands, and exempts PLDC projects from County ordinances, charter provisions, and rules relating to land use, zoning, and development standards.

Your Committee notes that many Hawaii residents and other counties in the State are supportive of abolishing the PLDC, due to the lack of public input in the creation of the PLDC, and the authority and exemptions granted to it through Chapter 171C, HRS.

Your Committee voted 8-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Mateo, Pontanilla, Victorino, and White voted "aye". Committee member Couch was excused.

Your Policy Committee **RECOMMENDS** the following:

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1. That Resolution _____, attached hereto, entitled "URGING THE 2013 HAWAII STATE LEGISLATURE TO REPEAL CHAPTER 171C, HAWAII REVISED STATUTES, TO ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION", be ADOPTED; and
2. That County Communication 12-215 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

pol:cr:12059aa:jkn

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URGING THE 2013 HAWAII STATE LEGISLATURE TO REPEAL CHAPTER 171C, HAWAII REVISED STATUTES, TO ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION

WHEREAS, Act 55, 2011 Hawaii State Legislature, codified as Chapter 171C, Hawaii Revised Statutes (“HRS”), established the Public Land Development Corporation (“PLDC”) as the development arm of the State Department of Land and Natural Resources; and

WHEREAS, the PLDC was created to administer an appropriate and culturally-sensitive public land development program that would make optimal use of public land for the economic, environmental, and social benefit of the people of Hawaii; and

WHEREAS, Chapter 171C, HRS, gives the PLDC broad powers to develop identified public lands, including the ability to make and execute contracts; acquire and improve real property; enter public-private partnerships to construct, operate, or maintain leisure, recreational, commercial, residential, time share, hotel, office space, and business facilities; and other powers that are to be liberally construed; and

WHEREAS, permissible uses of public land include office space, vehicular parking, commercial uses, hotel, residential, timeshare uses, fueling facilities, storage and repair facilities, and seawater air-conditioning plants to generate revenue for the State; and

WHEREAS, PLDC projects are exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to special improvement district assessments or requirements; land use, zoning, and construction standards for subdivisions, development, and improvement of land; and the construction, improvement, and sale of homes thereon; and

WHEREAS, although Chapter 171C requires that the PLDC coordinate their public land planning activities with the county planning departments and the county land use plans, policies, and ordinances, the term “coordinate” is not defined and is vague; and

WHEREAS, without a mechanism for enforcement to ensure that the PLDC coordinates with the counties, the PLDC may completely disregard county land use and zoning laws; and

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WHEREAS, the Executive Director of the PLDC is an appointed position and, therefore, the individual in this position is not directly accountable to Maui County residents; and

WHEREAS, allowing development to occur with complete disregard for the County of Maui's charter provisions, the General Plan, land use and zoning ordinances, the Residential Workforce Housing ordinance, subdivision and construction standards, road design standards, and water and wastewater ordinances, will exacerbate the very problems that these laws are intended to resolve; and

WHEREAS, Chapter 171C, HRS, usurps county authority and repudiates home rule principles; and

WHEREAS, although PLDC projects may be restricted by certain State laws, the counties are in the best position to understand the development needs of the community and the potential negative impacts of development; and

WHEREAS, the counties' well-established land use processes ensure public input and protect the public's interests, and these processes should be respected; and

WHEREAS, Chapter 171C, HRS, emphasizes the development of businesses that can generate the highest amount of revenue (hotels, resorts, commercial centers, etc.), with little regard for parks or other types of community resources that may not necessarily generate revenue, threatening the preservation of these parks and community resources for future generations; and

WHEREAS, the detrimental effect that Chapter 171C, HRS, will have on our land, roads, ocean, environment, and quality of life mandates the repeal of Chapter 171C, HRS; now, therefore,

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

1. That it hereby urges the 2013 Hawaii State Legislature to repeal Chapter 171C, HRS, in its entirety to abolish the Public Land Development Corporation; and

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2. That certified copies of this resolution be transmitted to the Honorable Shan Tsutsui, President, and members of the State Senate; the Honorable Calvin Say, Speaker, and members of the State House of Representatives; the Honorable Neil Abercrombie, Governor, State of Hawaii; William Aila Jr., Chairperson, Board of Land Natural Resources; and the Honorable Mayors of the Counties of Maui, Kauai, Hawaii, and the City and County of Honolulu.

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