

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

November 4, 2016

Committee
Report No. _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on October 17, 2016, makes reference to County Communication 15-158, from Presiding Officer Pro Tempore Michael P. Victorino, relating to the Maui County Legislative Package.

Your Committee notes each year the Council may compile a package of proposals and priorities to be presented to the State Legislature.

Your Committee further notes it previously reported on the 2017 Maui County Legislative Package through Committee Report 16-155. At its meeting of October 7, 2016, the Council adopted Resolutions 16-128, 16-129, 16-130, 16-131, 16-132, 16-133, 16-134, 16-135, and 16-136, cumulatively approving nine State bills for inclusion in the 2017 Maui County Legislative Package.

By correspondence dated September 16, 2016, Councilmember Robert Carroll transmitted a proposed resolution to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill to grant the counties greater authority for District Boundary Amendments.

By correspondence dated October 7, 2016, Councilmember Robert Carroll transmitted a revised proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE COUNTIES TO PROCESS DISTRICT BOUNDARY AMENDMENTS OF THIRTY ACRES OR LESS." The purpose of the revised proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State

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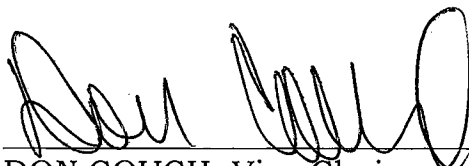
bill, entitled "A BILL FOR AN ACT RELATING TO LAND USE," to give counties the authority to process District Boundary Amendments for property that is 30 acres or less. Under current law, counties have authority for District Boundary Amendments of 15 acres or less. The State Land Use Commission has authority for other District Boundary Amendments.

Your Committee notes this is a matter of home rule and approval of the proposed State bill may reduce the time and cost associated with obtaining multitiered reviews for District Boundary Amendments, Community Plan Amendments, Changes in Zoning, and Special Management Area Permits, where applicable, before different governmental bodies.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution. Committee Vice-Chair Couch and members Baisa, Carroll, Cochran, Crivello, Guzman, and Hokama voted "aye." Committee Chair Victorino and member White were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE COUNTIES TO PROCESS DISTRICT BOUNDARY AMENDMENTS OF THIRTY ACRES OR LESS," be ADOPTED.

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



DON COUCH, Vice-Chair

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2017 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL
TO AUTHORIZE COUNTIES TO PROCESS
DISTRICT BOUNDARY AMENDMENTS OF
THIRTY ACRES OR LESS

WHEREAS, there is a critical need to increase the housing inventory in the State; and

WHEREAS, costs associated with the land use entitlement process discourage housing development and increase housing costs; and

WHEREAS, the multi-tier reviews associated with district boundary amendments, community plan amendments, changes in zoning, and special management area permits, where applicable, before different governmental bodies escalate costs and time for developing projects; and

WHEREAS, improved planning capabilities and geographic information systems technology and multiple opportunities for public input in the county where the property is located, provide adequate safeguards at the local level to require needed infrastructure and protect critical natural and cultural resources; and

WHEREAS, Section 205-3.1, Hawaii Revised Statutes, authorizes the appropriate county land use decision-making authority to process district boundary amendments of fifteen acres or less, while boundary amendments greater than fifteen acres are required to be processed by the State Land Use Commission; and

WHEREAS, increasing the county's jurisdiction over district boundary amendments to include property up to thirty acres represents an appropriate balance, where the State will still maintain oversight for larger projects that are more likely to impact State resources; now, therefore,

Resolution No. _____

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

1. That the proposed State bill, attached as Exhibit "A," to authorize the appropriate county land use decision-making authority to process district boundary amendments of thirty acres or less, 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.

paf:cmn:16-011h

A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§205-3.1 Amendments to district boundaries.** (a)
4 District boundary amendments involving lands in the conservation
5 district, land areas greater than [~~fifteen~~] thirty acres, or
6 lands delineated as important agricultural lands shall be
7 processed by the land use commission pursuant to section 205-4.

8 (b) Any department or agency of the State, and department
9 or agency of the county in which the land is situated, or any
10 person with a property interest in the land sought to be
11 reclassified may petition the appropriate county land use
12 decision-making authority of the county in which the land is
13 situated for a change in the boundary of a district involving
14 lands [~~less than fifteen~~] of thirty acres or less presently in
15 the rural and urban districts and lands [~~less than fifteen~~] of
16 thirty acres or less in the agricultural district that are not
17 designated as important agricultural lands.

____.B. NO. _____

1 (c) District boundary amendments involving land areas of
2 [~~fifteen~~] thirty acres or less, except as provided in subsection
3 (b), shall be determined by the appropriate county land use
4 decision-making authority for the district and shall not require
5 consideration by the land use commission pursuant to section
6 205-4; provided that such boundary amendments and approved uses
7 are consistent with this chapter. The appropriate county land
8 use decision-making authority may consolidate proceedings to
9 amend state land use district boundaries pursuant to this
10 subsection, with county proceedings to amend the general plan,
11 development plan, zoning of the affected land, or such other
12 proceedings. Appropriate ordinances and rules to allow
13 consolidation of such proceedings may be developed by the county
14 land use decision-making authority.

15 (d) The county land use decision-making authority shall
16 serve a copy of the application for a district boundary
17 amendment to the land use commission and the department of
18 business, economic development, and tourism and shall notify the
19 commission and the department of the time and place of the
20 hearing and the proposed amendments scheduled to be heard at the
21 hearing. A change in the state land use district boundaries
22 pursuant to this subsection shall become effective on the day

____.B. NO. _____

1 designated by the county land use decision-making authority in
2 its decision. Within sixty days of the effective date of any
3 decision to amend state land use district boundaries by the
4 county land use decision-making authority, the decision and the
5 description and map of the affected property shall be
6 transmitted to the land use commission and the department of
7 business, economic development, and tourism by the county
8 planning director."

9 SECTION 2. Statutory material to be deleted is bracketed
10 and in strikethrough. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

12

13

INTRODUCED BY: _____

14

15 paf:cmn:16-011j