
A BILL FOR AN ACT

RELATING TO PLANNING.

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

1 SECTION 1. The purpose of this Act is to clarify the state
2 standards for county land use plans to ensure that issues of
3 statewide concern are incorporated in county plans and to
4 strengthen and coordinate state and county land use planning and
5 county and state infrastructure improvements for planned growth,
6 quality of life, and environmental quality.

7 This Act establishes a new quasi-legislative process that
8 simplifies the state land use commission's procedures for county
9 government petitions for boundary amendments that are based on
10 adopted county comprehensive plans prepared pursuant to state
11 criteria. District boundary amendments conducted under this
12 process would be quasi-legislative rather than quasi-judicial in
13 nature.

14 SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended
15 by adding a new section to be appropriately designated and to
16 read as follows:

17 "§205- State- and county-initiated district boundary
18 amendments. (a) The State through the office of planning or

1 any county planning department may apply to the land use
2 commission for a change in the land use district boundary of a
3 land use district to conform to and implement the land use
4 element of a county comprehensive plan; provided that the plan
5 has been approved by the legislative body in accordance with
6 section 226-D. This section applies only to applications
7 submitted by the State or any county planning agency for changes
8 in district boundaries of lands contained within an approved
9 county comprehensive plan. All other petitions for district
10 boundary amendments shall be subject to sections 205-3.5 and
11 205-4 as applicable.

12 (b) The proposed district boundary amendments shall
13 conform to the land use element of the county comprehensive
14 plan. The application must be regional in geographic coverage
15 and involve multiple parcels. The application may include all
16 or a portion of the land use changes identified in the county
17 comprehensive plan. The application may include only those
18 lands included in a particular phase of urban or rural expansion
19 areas identified in the county plan.

20 (c) The application shall identify the land areas for
21 which land use district boundary amendments are being sought and

1 a brief rationale for the proposed land use district boundary
2 amendment.

3 (d) The land use commission shall conduct at least one
4 public hearing on the island or islands in which the lands are
5 situated within sixty days of acceptance of the county
6 application. The commission shall provide timely notice in
7 newspapers of general circulation statewide and in a newspaper
8 which is printed and issued at least twice weekly in the county
9 affected by the proposed action. The notice shall include:

10 (1) A statement of the topic of the public hearing;

11 (2) A statement that a copy of the application will be
12 mailed to any interested person who requests a copy
13 and pays the required fees for the copy and the
14 postage, if any, and a statement describing where and
15 how the requests may be made;

16 (3) A statement of when, where, and during what times the
17 application may be reviewed in person; and

18 (4) The date, time, and place where the public hearing
19 will be held and where interested persons may be heard
20 on the proposed application.

21 The notice shall be mailed to all persons who have made a
22 timely written request of the land use commission for advance

1 notice of its public hearings. The public hearings shall be
2 conducted in accordance with the provisions of chapter 92.

3 (e) In the event the State initiates an application for a
4 boundary amendment under this section, the State shall provide
5 notice to the affected county at the earliest opportunity, and
6 provide copies of such application to the county planning
7 department no later than the date of filing the first
8 application with the land use commission. The county planning
9 department shall provide written comments on the county's
10 position to the land use commission within forty-five days of
11 acceptance of the state application. The planning department
12 shall include in its report a description of general agreements
13 made between the State and the county over implementation of the
14 comprehensive plan, any disagreements between the State and the
15 county that remain unresolved, potential measures to resolve the
16 disagreement, and recommendations for proposed boundary
17 amendments for lands affected by any outstanding disagreement
18 between the State and the county. The office of planning and
19 the affected county planning department shall be parties in land
20 use commission hearings conducted pursuant to this section.

21 (f) In the event a county initiates an application for a
22 boundary amendment under this section, the county shall provide

1 notice to the state office of planning at the earliest
2 opportunity, and provide copies of such application to the
3 office of planning no later than the filing date of the first
4 application with the land use commission. The office of
5 planning shall provide written comments on the State's position
6 to the land use commission within forty-five days of the
7 commission's acceptance of the county application. The office
8 shall include in its report a description of general agreements
9 made between the State and the county over implementation of the
10 comprehensive plan, any disagreements between the State and the
11 county that remain unresolved, potential measures to resolve the
12 disagreement, and recommendations for proposed boundary
13 amendments for lands affected by any outstanding disagreement
14 between the State and the county. The office of planning and
15 county planning department shall be parties in land use
16 commission hearings conducted pursuant to this section.

17 (g) The land use commission shall act within one hundred
18 eighty days of acceptance of a complete filing of an application
19 to approve, approve the application in part, or deny the
20 application. Ex parte communications with the commissioners
21 shall be prohibited. Any decision under this section shall
22 require the affirmative vote of two-thirds of the members to

1 which the commission is entitled. The commission shall not
2 impose any conditions on any land or any owner of property
3 reclassified to a different state land classification under this
4 application process. The proceedings of the land use commission
5 under this section shall be conducted in accordance with the
6 provisions of chapter 92.

7 (h) The land use commission shall base its decision on
8 conformance to the county comprehensive plan, consistency with
9 land use district standards under chapter 205, the land use
10 decision-making criteria of section 205-17, and the degree of
11 consensus reached between state and county agencies.

12 (i) The land use commission shall provide a written report
13 to the state office of planning and the affected county planning
14 department if the application or a portion thereof is not
15 approved. The report shall identify the reasons for the land
16 use commission's decision.

17 (j) The land use commission shall provide notice to state
18 agencies and the county planning department of the changes to
19 land use district boundaries. The land use commission shall be
20 the sole authority responsible for boundary interpretations.

21 (k) A change in land use district classification of a
22 parcel or parcels resulting from a land use commission decision

1 pursuant to this section may be appealed to the circuit court of
2 the circuit in which the land in question is found. The
3 district boundaries and classification of parcels not subject to
4 an appeal shall remain in full force and effect. The appeal
5 shall be filed within sixty days of the date of the commission's
6 decision. The appeal shall be in accord with chapter 91 and the
7 Hawaii rules of civil procedure.

8 (l) The zoning of the affected lands shall remain in full
9 force and effect until such time as the lands are rezoned by the
10 county.

11 (m) All other individual project petitions not
12 incorporated in a county-initiated application for boundary
13 amendment under this section shall be subject to land use
14 commission procedures under sections 205-3.5 and 205-4.

15 (n) Any state or county approval of projects involving a
16 land use or zone change, subdivision, or other entitlement for
17 use on lands which are reclassified by the commission pursuant
18 to this section, shall be subject to sections 6E-2, 6E-8, and
19 6E-42, pertaining to historic, archaeological, and cultural
20 resource preservation; provided that any applicable studies
21 shall be completed at the earliest stage of the county land use
22 application and decision-making process.

1 (o) Notwithstanding any other law to the contrary, the
2 boundary amendment process conducted pursuant to this section
3 shall be exempt from chapter 343, except for boundary amendments
4 that reclassify land from the conservation district; provided
5 that any application for a proposed use on lands reclassified
6 pursuant to this section, which require subsequent ministerial
7 or discretionary approval by a county or state body shall be
8 subject to chapter 343 in those subsequent processes where such
9 proposed uses require conformance to chapter 343."

10 SECTION 3. Chapter 226, Hawaii Revised Statutes, is
11 amended by adding four new sections to be appropriately
12 designated and to read as follows:

13 "§226-A County comprehensive plan. (a) Each county shall
14 prepare, adopt, and comprehensively review at least every ten
15 years, and revise as necessary, an internally consistent, long-
16 range comprehensive plan or set of plans, hereinafter called the
17 "plan," containing the elements in section 226-C. The
18 comprehensive plan shall establish a vision for the long-range
19 social, economic, and physical growth of the county or portion
20 thereof, and establish policies to guide the development,
21 adoption, and administration of land development rules and
22 related ordinances, the scheduling and execution of capital

1 projects, and other land development and community support
2 functions of the county to implement the plan.

3 (b) The county planning department shall be responsible
4 for the preparation, administration, and review of the county
5 comprehensive plan and amendments to the plan.

6 §226-B County comprehensive plan; purpose. The purpose of
7 the comprehensive plan is to direct the coordinated, efficient,
8 and orderly development of the county or portions thereof that
9 will, based on an analysis of present and future needs, best
10 promote the public health, safety, morals, and general welfare.

11 The comprehensive plan shall:

12 (1) Provide a unified physical design for the county;

13 (2) Encourage a pattern of compact development to be
14 guided into urban and rural centers;

15 (3) Identify the need for transportation and community
16 facilities and services, and promote the timely
17 provision of those facilities and services in order to
18 support existing and planned development;

19 (4) Accommodate growth in areas where infrastructure
20 capacity is available and direct growth to areas where
21 infrastructure capacity is available or committed to
22 be available in the future;

- 1 (5) Support mixed use development that permits the co-
- 2 location of residential, office, commercial, and
- 3 ancillary uses;
- 4 (6) Promote a range of housing options and encourage a
- 5 range of quality affordable housing;
- 6 (7) Promote the development of new employment
- 7 opportunities in existing communities with
- 8 transportation services or areas planned for growth;
- 9 (8) Promote agricultural activities and protect important
- 10 agricultural land from encroachment from urban or non-
- 11 farm uses;
- 12 (9) Protect historic, archaeological, cultural, and
- 13 conservation resources of significance to the
- 14 community and the State;
- 15 (10) Protect life and property from the effects of natural
- 16 hazards, such as flooding, winds, wildfire, unstable
- 17 lands, volcanic hazards, and tsunami inundation; and
- 18 (11) Promote design principles that enhance the character
- 19 and attractiveness of communities and their environs
- 20 and conserve resource use.

21 §226-C County comprehensive plan elements. (a) The

22 county comprehensive plan shall include elements that specify

1 goals, objectives, policies, development standards, and
2 implementation strategies for each subject element, either as
3 parts within the plan or separate documents that are prepared
4 and adopted as the comprehensive plan. The required elements
5 shall include:

6 (1) A land use element that provides a general pattern for
7 the location, distribution, and characteristics of
8 current and future land uses, including urban centers
9 and planned urban centers, rural centers and rural
10 districts, important agricultural lands and other
11 agricultural lands;

12 (2) A transportation element;

13 (3) A community facilities and infrastructure element;

14 (4) An affordable housing element;

15 (5) A natural hazards mitigation element;

16 (6) An implementation program element that identifies
17 specific actions required to implement the plan; and

18 (7) Conceptual land use maps showing:

19 (A) Existing and future land use patterns and planned
20 development for the plan area, in terms of the
21 location, character, and intensity of existing
22 and planned land uses and growth boundaries;

1 (B) The timing and sequencing of planned land uses
2 and development in areas where growth is to
3 occur; and

4 (C) The general location of sites and corridors for
5 major public infrastructure systems and
6 facilities, and the sequencing of improvement
7 programs to provide the level of infrastructure
8 and services planned for designated areas.

9 (c) A comprehensive plan may include additional elements
10 relating to the physical development of the county, including
11 economic development, critical and sensitive areas, agricultural
12 lands, or rural areas.

13 (d) In order to provide consistency within the plan, all
14 required and optional elements included in a plan shall be based
15 on the same economic, demographic, and related assumptions,
16 data, and projections developed by or for the county.

17 §226-D County comprehensive plan; formulation, adoption,
18 and review. (a) The comprehensive plan may be organized as a
19 single plan and land use policy map for the entire land area
20 within the jurisdiction of the county, or as a set of plans and
21 land use policy maps for regions consisting of portions of the
22 land area within the county jurisdiction; provided that, if the

1 plan is comprised of a set of plans, the cumulative effects of
2 planned regional growth patterns and the effects of these growth
3 patterns on other regions within the island or county shall be
4 identified within each plan.

5 (b) The county plans shall specify a planning horizon,
6 provided that the planning horizon may be no more than twenty
7 years and the same planning horizon shall be used for all
8 underlying studies, analyses, and elements of the plan. The
9 counties may, at their discretion, develop plans for a longer
10 period of time.

11 (c) Each county shall establish and disseminate to the
12 public a public participation program identifying procedures
13 providing for early and continuous public participation in the
14 preparation of the comprehensive plan or successive elements or
15 amendments thereto.

16 (d) The comprehensive plan and its elements shall be
17 coordinated with state programs and projects within the affected
18 plan area, and shall take into account state interests and
19 objectives identified for the plan area or plan elements. Each
20 county shall provide procedures for the solicitation of issues
21 and concerns of state agencies and consultation with state
22 agencies in the plan preparation and adoption process.

1 (e) The county council may adopt the comprehensive plan as
2 a whole by a single ordinance or may, by successive ordinances,
3 adopt successive elements of the plan, and any other amendment
4 thereto.

5 (f) Each county shall establish procedures for periodic
6 review as well as the comprehensive review and revision of the
7 comprehensive plan; provided that the comprehensive review shall
8 be conducted at least once every ten years. Any amendment to
9 the plan or any part thereof resulting from the review and
10 revision processes shall be subject to the provisions of this
11 section and sections 226-A, 226-B, and 226-C.

12 (g) County development rules shall be consistent with the
13 objectives and policies of the comprehensive plan. County land
14 use and development approvals shall be consistent with and
15 implement the plan land use designations and sequencing of
16 development in the plan."

17 SECTION 4. Section 46-4, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) This section and any ordinance, rule, or regulation
20 adopted in accordance with this section shall apply to lands not
21 contained within the forest reserve boundaries as established on
22 January 31, 1957, or as subsequently amended.

1 Zoning in all counties shall be [~~accomplished within the~~
2 ~~framework of~~] consistent with and shall implement a long-range
3 comprehensive [~~general~~] plan as defined in section 226-2
4 prepared or being prepared to guide the overall future
5 development of the county. Zoning shall be one of the tools
6 available to the county to put the [~~general~~] comprehensive plan
7 into effect in an orderly manner. Zoning [~~in the counties of~~
8 ~~Hawaii, Maui, and Kauai~~] means the establishment of districts of
9 such number, shape, and area, and the adoption of regulations
10 for each district to carry out the purposes of chapters 205,
11 205A, and 226 and this section. In establishing or regulating
12 the districts, full consideration shall be given to all
13 available data as to soil classification and physical use
14 capabilities of the land to allow and encourage the most
15 beneficial use of the land consonant with good zoning practices.
16 The zoning power granted herein shall be exercised by ordinance
17 which may relate to:

- 18 (1) The areas within which agriculture, forestry,
19 industry, trade, and business may be conducted;
20 (2) The areas in which residential uses may be regulated
21 or prohibited;

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- 1 (3) The areas bordering natural watercourses, channels,
2 and streams, in which trades or industries, filling or
3 dumping, erection of structures, and the location of
4 buildings may be prohibited or restricted;
- 5 (4) The areas in which particular uses may be subjected to
6 special restrictions;
- 7 (5) The location of buildings and structures designed for
8 specific uses and designation of uses for which
9 buildings and structures may not be used or altered;
- 10 (6) The location, height, bulk, number of stories, and
11 size of buildings and other structures;
- 12 (7) The location of roads, schools, and recreation areas;
- 13 (8) Building setback lines and future street lines;
- 14 (9) The density and distribution of population;
- 15 (10) The percentage of a lot that may be occupied, size of
16 yards, courts, and other open spaces;
- 17 (11) Minimum and maximum lot sizes; and
- 18 (12) Other regulations the boards or city council find
19 necessary and proper to permit and encourage the
20 orderly development of land resources within their
21 jurisdictions.

1 The council of any county shall prescribe rules,
2 regulations, and administrative procedures and provide personnel
3 it finds necessary to enforce this section and any ordinance
4 enacted in accordance with this section. The ordinances may be
5 enforced by appropriate fines and penalties, civil or criminal,
6 or by court order at the suit of the county or the owner or
7 owners of real estate directly affected by the ordinances.

8 Any civil fine or penalty provided by ordinance under this
9 section may be imposed by the district court, or by the zoning
10 agency after an opportunity for a hearing pursuant to chapter
11 91. The proceeding shall not be a prerequisite for any
12 injunctive relief ordered by the circuit court.

13 Nothing in this section shall invalidate any zoning
14 ordinance or regulation adopted by any county or other agency of
15 government pursuant to the statutes in effect prior to July 1,
16 1957.

17 The powers granted herein shall be liberally construed in
18 favor of the county exercising them, and in such a manner as to
19 promote the orderly development of each county or city and
20 county in accordance with a long-range, comprehensive general
21 plan to ensure the greatest benefit for the State as a whole.
22 This section shall not be construed to limit or repeal any

1 powers of any county to achieve these ends through zoning and
2 building regulations, except insofar as forest and water reserve
3 zones are concerned and as provided in subsections (c) and (d).

4 Neither this section nor any ordinance enacted pursuant to
5 this section shall prohibit the continued lawful use of any
6 building or premises for any trade, industrial, residential,
7 agricultural, or other purpose for which the building or
8 premises is used at the time this section or the ordinance takes
9 effect; provided that a zoning ordinance may provide for
10 elimination of nonconforming uses as the uses are discontinued,
11 or for the amortization or phasing out of nonconforming uses or
12 signs over a reasonable period of time in commercial,
13 industrial, resort, and apartment zoned areas only. In no event
14 shall such amortization or phasing out of nonconforming uses
15 apply to any existing building or premises used for residential
16 (single-family or duplex) or agricultural uses. Nothing in this
17 section shall affect or impair the powers and duties of the
18 director of transportation as set forth in chapter 262."

19 SECTION 5. Section 226-2, Hawaii Revised Statutes, is
20 amended by adding a new definition to be appropriately inserted
21 and to read as follows:

1 "County comprehensive plan" means the county general plan
2 or the county general plan and the set of development or
3 community plans for regions within a county that when taken as a
4 whole implement the goals, objectives, and policies of the
5 county general plan, as further defined by county charter or
6 ordinance and adopted by the legislative body of each county."

7 SECTION 6. Section 226-52, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) The statewide planning system shall consist of the
10 following policies, plans, and programs:

11 (1) The overall theme, goals, objectives, and policies
12 established in this chapter that shall provide the
13 broad guidelines for the State;

14 (2) The priority guidelines established in this chapter
15 that shall provide guidelines for decisionmaking by
16 the State and the counties for the immediate future
17 and set priorities for the allocation of resources.
18 The formulation and revision of state functional plans
19 shall be in conformance with the priority guidelines;

20 (3) State functional plans that shall be prepared to
21 address, but not be limited to, the areas of
22 agriculture, conservation lands, education, energy,

1 higher education, health, historic preservation,
2 housing, recreation, tourism, and transportation. The
3 preparing agency for each state functional plan shall
4 also consider applicable federal laws, policies, or
5 programs that impact upon the functional plan area.
6 State functional plans shall define, implement, and be
7 in conformance with the overall theme, goals,
8 objectives, policies, and priority guidelines
9 contained within this chapter. County general plans
10 and development plans shall be taken into
11 consideration in the formulation and revision of state
12 functional plans;

13 (4) County [~~general~~] comprehensive plans that have been
14 formulated and adopted by the county in accordance
15 with the standards for plan content and process
16 contained in section 226-C. County comprehensive
17 plans shall indicate desired population and physical
18 development patterns for each county and regions
19 within each county. In addition, county [~~general~~]
20 comprehensive plans [~~or development plans~~] shall
21 address the unique problems and needs of each county
22 and regions within each county. County [~~general~~]

1 comprehensive plans [~~or development plans~~] shall
2 further define the overall theme, goals, objectives,
3 policies, and priority guidelines contained within
4 this chapter. State functional plans and state
5 programs shall be taken into consideration in amending
6 the county [~~general~~] comprehensive plans; and
7 (5) State programs that shall include but not be limited
8 to programs involving coordination and review;
9 research and support; design, construction, and
10 maintenance; services; and regulatory powers. State
11 programs that exercise coordination and review
12 functions shall include but not be limited to the
13 state clearinghouse process, the capital improvements
14 program, and the coastal zone management program.
15 State programs that exercise regulatory powers in
16 resource allocation shall include but not be limited
17 to the land use and management programs administered
18 by the land use commission and the board of land and
19 natural resources. State programs shall further
20 define, implement, and be in conformance with the
21 overall theme, goals, objectives, and policies, and
22 shall utilize as guidelines the priority guidelines

1 contained within this chapter, and the state
2 functional plans approved pursuant to this chapter."

3 SECTION 7. Section 226-58, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§226-58 County general plans. (a) The county general
6 plans and development plans shall be formulated with input from
7 the state and county agencies as well as the general public.~~

8 ~~County general plans or development plans shall indicate
9 desired population and physical development patterns for each
10 county and regions within each county. In addition, county
11 general plans or development plans shall address the unique
12 problems and needs of each county and regions within each
13 county. The county general plans or development plans shall
14 further define applicable provisions of this chapter, provided
15 that any amendment to the county general plan of each county
16 shall not be contrary to the county charter. The formulation,
17 amendment, and implementation of county general plans or
18 development plans shall take into consideration statewide
19 objectives, policies, and programs stipulated in state
20 functional plans approved in consonance with this chapter.~~

21 ~~(b) County general plans shall be formulated on the basis
22 of sound rationale, data, analyses, and input from state and~~

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1 ~~county agencies and the general public, and contain objectives~~
2 ~~and policies as required by the charter of each county.~~

3 ~~Further, the county general plans should:~~

4 ~~(1) Contain objectives to be achieved and policies to be~~
5 ~~pursued with respect to population density, land use,~~
6 ~~transportation system location, public and community~~
7 ~~facility locations, water and sewage system locations,~~
8 ~~visitor destinations, urban design, and all other~~
9 ~~matters necessary for the coordinated development of~~
10 ~~the county and regions within the county; and~~

11 ~~(2) Contain implementation priorities and actions to carry~~
12 ~~out policies to include but not be limited to land use~~
13 ~~maps, programs, projects, regulatory measures,~~
14 ~~standards and principles, and interagency coordination~~
15 ~~provisions."]~~

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. Chapters 205, 205A, 226, and 343, Hawaii
19 Revised Statutes, are amended by substituting the words "county
20 comprehensive plan", or like term, wherever the words "county
21 general plan", "county development plan", or "county community
22 plan", or like term, appears, as the context requires.

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1 SECTION 10. In codifying the new sections added to chapter
2 226, Hawaii Revised Statutes, the revisor of statutes shall
3 substitute appropriate section numbers for the letters used in
4 the new sections designated and referred to in this Act.

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

6
7 INTRODUCED BY: Calvin K. Iy
8 BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO PLANNING.

PURPOSE: The purpose of this bill is to update the standards for county long-range land use plans set forth in state law to ensure that these standards for county plans reflect current planning practice, and to provide an efficient process before the land use commission by which the counties may request consistency between the state and county land use designation to assist in the implementation of their comprehensive plans. The intent is to ensure (1) that county general and development plans contain elements that are necessary for orderly growth and development, (2) that county planning for growth is coordinated with state agencies which share responsibility for serving such growth, and agencies responsible for preserving natural resources, and (3) improve the congruence of state land use district boundaries with the adopted county land use plans to promote effective implementation of these plans.

MEANS: Add one new section to chapter 205 and four new sections to chapter 226, amend sections 46-4(a), 226-2, and 226-52(a), and repeal section 226-58, Hawaii Revised Statutes.

JUSTIFICATION: County general and development plans direct land use and zoning at the local level. Since these plans play an important role in guiding growth and development, it is critical that all county plans contain key plan elements

that address issues of statewide concern. Further, it is essential that county plans are coordinated with State agency programs and efforts, particularly where the state has responsibility for infrastructure, facilities, services, or natural resource management needed to achieve the desired land use pattern in county plans.

County general and development and community plans have been prepared with extensive community input and have been prepared at the level closest to those affected. The proposed legislation would allow a different type of land use commission review for petitions for boundary amendments based on county plans. These plan-based petitions would not be development project specific but would cover larger regional or island-wide areas.

Under the proposed legislation, plan-based petitions would be subject to quasi-legislative rather than quasi-judicial review by the state land use commission. This will streamline the review process for these plan-based petitions. Different procedures are warranted since the petitions will be based on county plans which have undergone considerable community review, multiple public hearings, and county council and mayoral approval. Furthermore, the quasi-legislative process will remain a public process with public hearings and opportunities for public testimony. In addition, state and county governments will have agreed on the areas to be reclassified under the plan-based petitions.

Impact on the public: The public would be involved in broader community-level discussions about the impacts of

potential boundary amendments. Planning and provision of infrastructure and services may improve as coordination of state and county agency plans would be addressed in the pilot procedure. The plan-based process may also provide greater predictability to the public and development community about where growth is to occur.

Impact on the department and other agencies: The office of planning would have an increased workload and need resources to support the proposed joint review and amendment process. The state land use commission and its staff would be required to work under a new procedure, but in the long run, may find that the pilot process reduces the number of individual petitions the commission must consider. Other state agencies that rely on the LUC quasi-judicial procedure to obtain developer compliance with agency facility needs and concerns will be required to coordinate their efforts and will also need to attend to how their concerns are addressed under the quasi-legislative procedure.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: BED-144 and BED-103.

OTHER AFFECTED AGENCIES: Office of Planning, Land Use Commission, County Planning Departments, and other state agencies.

EFFECTIVE DATE: Upon approval.