

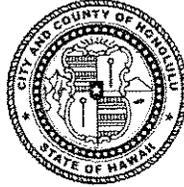
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May 20, 2008

The Honorable Ann H. Kobayashi, Chair
and Members of the Executive Matters Committee
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

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2008 MAY 20 A 10:51
CITY COUNCIL
HONOLULU, HAWAII

Dear Chair Kobayashi and Councilmembers:

Subject: Resolution No. 08-33, CD1, Initiating an Amendment to the Revised Charter of the City and County of Honolulu 1973, as amended, to authorize the establishment of growth boundaries on Oahu

This memorandum is issued in response to the request of the Executive Matters Committee at its meeting on Wednesday May 14, 2008, to propose transition language for the proposed Charter amendment to establish growth boundaries on Oahu, Resolution No. 08-33, CD1. The proposed language is set forth in the attachment to this memorandum and proposes a new section to be included in Article XVI of the Charter.¹ We propose that the new transition section be inserted in the Resolution as a new paragraph 6 and to renumber the existing paragraphs numbered 6 and 7, accordingly.

Based upon our understanding of the desire of the Committee, the transition clause accomplishes the following:

- (1) Mandates the preparation of proposed growth boundary ordinances by the Department of Planning and Permitting ("DPP") for each of the development plan² areas;

¹Article XVI of the Charter is entitled, "Transition Schedule," and includes various other transition clauses for prior Charter amendments.

²The "development plan" terminology is consistent with the existing Charter language that does not include references to a "sustainable communities plan." The latter is therefore interpreted to be the former in Charter parlance.

The Honorable Ann H. Kobayashi, Chair
and Members of the Executive Matters Committee

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- (2) Mandates the transmittal of the proposed ordinances by DPP to the City Planning Commission ("PC") for appropriate action;
- (3) Mandates timely action by DPP and the PC to enable the PC to transmit the PC's recommendations on the proposed growth boundary ordinances to the Council through the Mayor,³ within one year after the effective date of the Charter amendment, i.e., within one year of January 1, 2009 (January 1, 2010);
- (4) Mandates that these initial proposed growth boundary ordinances for the various development plan areas that are submitted to the Council for its consideration under this transition section reflect the growth policies⁴ then existing in the development plans to the extent feasible.

Please feel free to call upon us if you have any questions or comments regarding the proposed language. Thank you.

Very truly yours,



DIANE T. KAWAUCHI
Deputy Corporation Counsel

APPROVED:



CARRIE K. S. OKINAGA
Corporation Counsel

DTK:ct

Attach.

08-02705/26989

³The provision for the PC to submit its recommendations to the Council through the Mayor is in proposed Charter Section 6-1506; *see*, paragraph 4 of Resolution No. 08-33, CD1.

⁴In consultation with DPP we have confirmed that "growth policies" is the proper terminology to reference the urban community boundaries and urban growth boundaries in the development plans, and the urban community boundaries, urban growth boundaries, rural community boundaries, agricultural boundaries, preservation boundaries, agricultural areas and preservation areas in the sustainable community plans.

ATTACHMENT

PROPOSED LANGUAGE FOR NEW SECTION TO BE INCLUDED IN RCH ARTICLE XVI, TRANSITION SCHEDULE (RESOLUTION NO. 08-33, CD1)

Insert a new paragraph No. 6 and renumber the existing paragraphs numbered 6 and 7.

6. That it propose and it is hereby proposed that a new section in Article XVI of the Revised Charter of the City and County of Honolulu 1973, as amended, be added to read as follows:

“Section 16-____. Transition Provision Concerning Growth Boundaries.

The director of planning and permitting shall prepare growth boundary ordinances for each development plan area and submit the proposed ordinances to the planning commission for appropriate action. The director of planning and permitting and the planning commission shall act timely to enable the planning commission to transmit its recommendations on the proposed growth boundary ordinances to the council through the mayor within one year after January 1, 2009. The growth boundary ordinances to be submitted for consideration by the council under this section shall reflect the growth policies then existing in the development plans to the extent feasible.”