

# PROPOSED GENERAL PLAN 2045 SAFEGUARD AMENDMENTS

## Strengthening Public Confidence, Property Rights, Agriculture, Map Accuracy, and Fair Implementation

### PURPOSE

These amendments are intended to strengthen General Plan 2045 by improving implementation clarity, protecting agriculture, ensuring map accuracy, preserving constitutional protections, supporting local accountability, and reducing future legal uncertainty.

These amendments do not alter the overall vision of General Plan 2045. Rather, they provide practical safeguards that improve transparency, fairness, public confidence, food security, and responsible implementation while preserving the County's ability to plan for future generations.

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### AMENDMENT 1

#### PAGE 74 – LAND USE INTRODUCTION

##### Clarification of General Plan Authority

#### CURRENT LANGUAGE

"The land use element of the General Plan shall serve as the primary governing framework for coordinated growth and sustainable development across the island, establishing binding direction for the location, intensity, and timing of development..."

#### STRIKE

- ~~"primary governing framework"~~
- ~~"binding direction"~~

#### REPLACE WITH

"The Land Use Element shall serve as a policy guide for future planning decisions and shall not independently create regulatory authority, land-use restrictions, permit requirements, development conditions, fees, obligations, enforcement powers, or other legal requirements absent adoption through the legislative process in

accordance with County Charter, County Code, State law, and constitutional protections."

## **BENEFIT**

Provides clarity regarding implementation while preserving legislative accountability, due process, and public confidence.

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## **AMENDMENT 2**

### **PAGE 83 – LAND USE MAPS, NATURAL LANDS, MAP ACCURACY, AND DUE PROCESS**

#### **CURRENT LANGUAGE**

~~"Because of the scale of the land use maps, the location of designated Natural lands should be verified by more detailed mapping when considering specific land use decisions."~~

#### **STRIKE ENTIRE SENTENCE**

#### **REPLACE WITH**

"No property owner shall be subject to permit limitations, density reductions, development restrictions, financing limitations, or adverse land-use determinations based solely upon a General Plan land-use designation until parcel-specific review, public notice, and an opportunity to be heard have occurred."

#### **ADD**

"Before any General Plan land-use designation is relied upon in permitting, planning, infrastructure decisions, or policy implementation, the County shall verify the accuracy of applicable maps. Identified errors and omissions shall be corrected through a public process before such maps are used to support actions affecting private property."

#### **FURTHER ADD**

"Any parcel identified by the County, Planning Commission, County Council, Community Development Plan Action Committee, or affected property owner as containing a mapping error, omission, or inaccurate designation shall be eligible for review and correction through a streamlined public process."

## **FURTHER ADD**

"The County shall establish a reasonable and accessible process allowing affected property owners to petition for correction of General Plan land-use map errors without unnecessary studies, consultants, or burdensome administrative requirements."

## **BENEFIT**

Improves public confidence in map accuracy, protects property owners from unintended impacts, and creates a practical process for correcting known errors and omissions.

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## **AMENDMENT 3**

### **PAGE 83 – AGRICULTURAL LAND, FOOD SECURITY, AND RURAL PROTECTION**

## **ADD**

"Agricultural Lands, Important Agricultural Lands, productive agricultural areas, and actively farmed lands shall not be redesignated to Natural Lands or otherwise restricted without:

1. Parcel-specific analysis;
2. Written findings supported by substantial evidence;
3. Public notice to affected property owners;
4. A public hearing; and
5. County Council approval involving public testimony"

## **FURTHER ADD**

"Existing agricultural activities, farm dwellings, ranching operations, water rights, agricultural structures, and lawful agricultural enterprises shall remain protected and shall not become nonconforming uses as a result of any General Plan designation."

## **FURTHER ADD**

"Any lands currently designated as Natural Lands that were previously designated as Agricultural Lands, Important Agricultural Lands, productive agricultural areas, or actively farmed lands shall be presumed appropriate for redesignation to Agricultural Lands unless substantial evidence demonstrates otherwise."

## **FURTHER ADD**

"General Plan land-use designations shall not be interpreted as creating a presumption against lawful agricultural use, farm dwellings, agricultural structures, water access, utility access, subdivision rights, or other lawful uses otherwise permitted by County ordinance, State law, or vested property rights."

## **BENEFIT**

Supports food security, agricultural viability, economic resilience, rural character, and the long-term sustainability of Hawai'i Island's farming and ranching communities.

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## **AMENDMENT 4**

### **PAGE 83 AND APPLICABLE TO ALL GENERAL PLAN POLICIES PROPERTY RIGHTS, DUE PROCESS, AND RULE OF CONSTRUCTION**

#### **ADD**

"Nothing in this General Plan shall be interpreted to diminish, impair, restrict, condition, or eliminate lawful private property rights, agricultural rights, vested rights, lawful uses of property, or due process protections guaranteed by the Constitutions of the United States and the State of Hawai'i."

#### **FURTHER ADD**

"In the event of ambiguity, conflict, or uncertainty regarding interpretation of any provision of this General Plan, such ambiguity shall be resolved in favor of preserving constitutional protections, private property rights, agricultural viability, lawful uses of property, due process protections, and local self-governance."

## **BENEFIT**

Provides guidance for future implementation while reducing legal uncertainty and strengthening public trust.

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## **AMENDMENT 5**

### **PAGE 83 AND ALL GENERAL PLAN LAND USE MAPS PROTECTION AGAINST FUTURE DOWNZONING OR ADVERSE INTERPRETATION**

#### **ADD**

"General Plan policies, maps, land-use designations, implementation actions, and administrative interpretations shall not be construed as creating a presumption in favor of downzoning, density reductions, elimination of lawful uses, reduction of development potential, financing limitations, property devaluation, or impairment of vested rights."

#### **FURTHER ADD**

"No General Plan policy, map designation, implementation action, administrative interpretation, advisory recommendation, climate policy, sustainability policy, resilience policy, transportation policy, infrastructure policy, housing policy, or land-use designation shall serve as the sole basis for reducing, restricting, conditioning, or impairing lawful private property rights, agricultural uses, vested rights, transportation access, utility access, water access, development potential, financing ability, or local self-governance without separate legislative action, public notice, and an opportunity to be heard."

#### **BENEFIT**

Provides certainty to residents, farmers, businesses, and future investors while ensuring significant property-rights decisions occur through a transparent public process.

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## **AMENDMENT 6**

### **PAGES 19, 27, AND APPLICABLE THROUGHOUT THE GENERAL PLAN LOCAL ACCOUNTABILITY AND ADVISORY BODY CLARIFICATION**

#### **PAGE 19 – STRIKE**

- ~~"investors"~~
- ~~"non-governmental organizations"~~

#### **PAGE 19 – ADD**

"Stakeholders include Hawai'i County residents, affected property owners, local community organizations, businesses operating within Hawai'i County, and governmental agencies with lawful jurisdiction over the matter under consideration."

## **PAGE 27 – ADD**

"Stakeholder participation, advisory groups, implementation committees, public-private partnerships, and collaborative planning efforts shall remain advisory in nature and shall not supersede constitutional protections, private property rights, due process requirements, County ordinances, or the authority of elected officials accountable to County voters."

## **FURTHER ADD**

"Community Development Plan Action Committees, advisory groups, implementation committees, stakeholder bodies, and similar entities shall serve solely in an advisory capacity and shall possess no independent regulatory, permitting, enforcement, or legislative authority."

## **BENEFIT**

Preserves meaningful public participation while reinforcing accountability to residents and elected officials.

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## **AMENDMENT 7**

### **PAGE 32, CLIMATE POLICIES, SUSTAINABILITY POLICIES, AND EXTERNAL FRAMEWORKS CONSTITUTIONAL SAFEGUARDS AND LOCAL DECISION-MAKING**

## **ADD**

"References to external plans, sustainability frameworks, goals, initiatives, or guidance documents are advisory only and shall not independently create regulatory authority, mandates, restrictions, permit requirements, obligations, or legal duties upon Hawai'i County residents or private property owners without legislative approval."

## **FURTHER ADD**

"Climate resilience, climate adaptation, sustainability, equity, environmental, and related planning policies shall be implemented in a manner consistent with the

Constitutions of the United States and the State of Hawai'i and shall not independently diminish private property rights, vested rights, lawful uses of property, or due process protections absent legislative action authorized by law."

## **BENEFIT**

Provides implementation clarity while preserving environmental stewardship, constitutional protections, and local accountability.

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## **AMENDMENT 8**

### **PAGES 103–122 – TRANSPORTATION CHOICE**

#### **ADD**

"Nothing in this General Plan shall be interpreted to restrict, penalize, or reduce access to private vehicle ownership, roadway access, parking, agricultural transportation, freight transportation, or transportation choices otherwise available under County, State, or Federal law."

#### **FURTHER ADD**

"Transportation planning shall preserve transportation choice and recognize the unique geographic, rural, agricultural, and economic realities of Hawai'i Island residents."

## **BENEFIT**

Recognizes Hawai'i Island's unique needs while preserving transportation choice and supporting agriculture, commerce, and rural communities.

## **AMENDMENT 9**

### **MAP ERROR REVIEW AND CORRECTION PROCESS**

#### **ADD:**

"Within 180 days of adoption of the General Plan, the County shall conduct a public review of General Plan Land Use Maps and establish a formal process for identifying and correcting mapping errors, omissions, inconsistencies, and inaccurate land-use designations."

Any parcel identified by the County, Planning Commission, County Council, Community Development Plan Action Committee, or affected property owner as containing a mapping error, omission, or inaccurate designation shall be eligible for review through an expedited and transparent public correction process.

No General Plan land-use designation identified as potentially erroneous shall be relied upon as the sole basis for permit decisions, development restrictions, density reductions, financing limitations, or adverse land-use determinations until the correction process has been completed.

The County shall maintain a publicly accessible list of identified map errors, pending corrections, and completed corrections to ensure transparency and public confidence in General Plan implementation."

#### **BENEFIT**

Establishes a clear process for correcting known map errors and omissions, improves public confidence, protects property owners from unintended impacts, reduces legal uncertainty, and ensures that planning decisions are based upon accurate information.

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#### **CONCLUSION**

These amendments preserve the vision of General Plan 2045 while providing practical safeguards that improve clarity, strengthen public confidence, protect agriculture, ensure map accuracy, preserve constitutional protections, and support fair implementation.

Together, they offer a balanced and constructive path forward that benefits residents, property owners, farmers, ranchers, businesses, and future generations while maintaining the County's ability to responsibly plan for Hawai'i Island's future.