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Statement of  
**MARY LOU KOBAYASHI**  
Planning Program Administrator, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES  
AND HAWAIIAN AFFAIRS**  
Monday, February 11, 2008  
9:30 AM  
State Capitol, Conference Room 312

in consideration of  
**HB 2243**  
**RELATING TO LAND USE.**

Chair Ito, Vice Chair Karamatsu, and Members of the House Committee on Water, Land, Ocean Resources, and Hawaiian Affairs.

The Office of Planning (OP) supports the intent of HB 2243, but does not support the bill in its current form. HB 2243 amends Section 46-4, Hawaii Revised Statutes (HRS), which authorizes county zoning, with a provision that county zoning is not invalidated by a reclassification of land by the county or State Land Use Commission under Chapter 205, HRS, provided that the uses allowed under the zoning ordinance are permissible uses in the new State land use district.

As written, the proposed amendment is unclear, as a boundary amendment typically does not change county zoning. It may also be more appropriate to amend Chapter 205, rather than Chapter 46, since the bill appears to seek clarification of the impact of a State land use district boundary amendment on county zoning.

Thank you for the opportunity to testify.

Testimony of  
Jon Okudara  
for  
Dowling Company, Inc. and Hanohano LLC  
on  
**H.B. No. 2243**  
**Relating to Land Use**

House Committee on Water, Land and Ocean Resources and Hawaiian Affairs  
Monday, February 11, 2008  
9:30 a.m.  
Room 312

My name is Jon Okudara and I am testifying on behalf of Dowling Company and Hanohano LLC in support of H.B. 2243.

H.B. 2243 amends section 46-4 to correct conflicts that have arisen in the early 1960s during the transition period of the land use law. In the case of the Hanohanos:

August 23, 1964	Land Use Commission classifies much of the land in Pukalani (including the Hanohano land) as "agricultural".
December 14, 1964	Maui Board of Supervisors enact Ordinance no. 395, zoning large portions of Pukalani (including the Hanohano lands) as R-3 Residential.
May 19, 2005	Land Use Commission reclassifies Hanohano lands from "agricultural" to "urban", under which county R-3 Residential uses are permitted

The land now has a land use classification of "urban" and is zoned by the county as R-3 Residential, but the County of Maui is holding that Ordinance 395 is invalid because the land could not be zoned R-3 Residential by the County because the land use classification, at the time, was agricultural, and if a zoning designation is invalidated, the property would be zoned "interim" or revert to the previous zoning, in this case, "agricultural".

H.B. 2243 amends the law to provide that county zoning approvals are valid if, when the land is reclassified by the Land Use Commission, the permitted uses under county zoning are permissible uses under the new land use classification.

We urge your support of H.B. 2243.

Thank you for the opportunity to offer these comments.