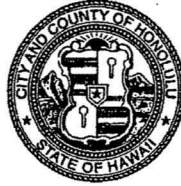


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

February 11, 2008

The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land,
Ocean Resources & Hawaiian Affairs
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ito and Members:

**Subject: House Bill 2243
Relating to Land Use**

The Department of Planning and Permitting has no objection to the intent of this bill which is to clarify the standing of certain zoning ordinances. However, in our opinion, the **language of the bill needs amendment**, as it is overly broad.

The bill would add the provision, "Nothing in this section shall invalidate any zoning ordinance . . . for land that is reclassified . . . ; provided that the uses allowed under the zoning ordinance are permissible under the reclassification." This language doesn't address the sequence of whether the zoning ordinance is enacted before or after a boundary reclassification, which appears to be the concern. It also seems to suggest that previous zone changes or amendments to the zoning code, once adopted, cannot be changed.

We are not aware of any situations on Oahu where the concern about interim zoning, established just after Chapter 205 was adopted, has led to "invalidation of zoning ordinances." Does use of the term "invalidated" refer to a court decision? We are not aware that reclassification of land automatically changes the disposition of zoning. Please clarify the language of the bill.

Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink that reads "Henry Eng".

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:jmf
hb2243-kh.doc

Council Chair
G. Riki Hokama

Vice-Chair
Danny A. Mateo

Council Members
Michelle Anderson
Gladys C. Baisa
Jo Anne Johnson
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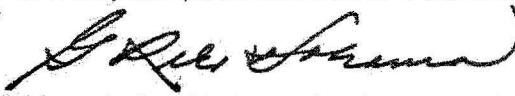
Director of Council Services
Ken Fukuoka



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

February 10, 2008

TO: Honorable Ken Ito, Chair
House Committee on Water, Land, Ocean Resources & Hawaiian Affairs

FROM: G. Riki Hokama
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 11, 2008; TESTIMONY IN SUPPORT OF HB 2243,
RELATING TO LAND USE**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to provide that a zoning ordinance adopted by a county shall not be invalidated by a reclassification of land; provided that the uses allowed under the zoning ordinance are permissible uses under the new classification.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. This measure will resolve possible confusion and confirm that zoning ordinances generally may not be invalidated by the Land Use Commission.
2. Although the validity of zoning ordinances should already be acknowledged under existing law, my understanding is that confusion has arisen in some cases on Maui in which a State land use classification is inconsistent with the permitted uses in the zoning category.
3. The best land use decisions are those made at the local level of government, and this measure will help to ensure that the Land Use Commission is not able to nullify the counties' decisions as expressed in their zoning ordinances.

For the foregoing reasons, I support this measure.

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HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

Gentry Pacific Design Center, Suite 215A
560 N. Nimitz Highway, #50
Honolulu, Hawaii 96817
(808) 524-2249 - FAX (808) 524-6893

February 10, 2008

Honorable Representative Ken Ito, Chair
Honorable Representative Jon Riki Karamatsu, Vice Chair
Members of the House Committee on Water, Land, Ocean Resources &
Hawaiian Affairs
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: IN SUPPORT OF HB2243
RELATING TO LAND USE
Hearing: Monday, February 11, 2008, 9:30 a.m.

Dear Chair Ito, Vice Chair Karamatsu and the House Committee on Water, Land,
Ocean Resources & Hawaiian Affairs:

For the Record my name is Buzz Hong the Executive Director for the Hawaii
Building & Construction Trades Council, AFL-CIO. Our Council is comprised
of 16-construction unions and a membership of 26,000 statewide.

The Council SUPPORTS the passage of HB2243, which provides that a zoning
ordinance adopted by a county shall not be invalidated by a reclassification of
land; provided that the uses allowed under the zoning ordinance are
permissible uses under the new classification.

Thank you for the opportunity to submit this testimony in support of HB2243.

Sincerely,

William "Buzz" Hong

WBH/dg