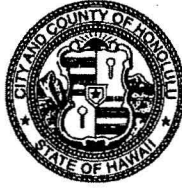


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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January 28, 2008

The Honorable Joseph M. Souki, Chair
and Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki:

**Subject: HOUSE BILL NO. 2428
Relating to Highways**

The Department of Planning and Permitting respectfully submits the following testimony in opposition to House Bill 2428, which exempts acquisition of lands for highway projects by the state department of transportation from the requirements of the county subdivision regulations.

Our opposition is based on several reasons. First, the purpose of the county subdivision regulations is to ensure that any lots that are subdivided will conform to an orderly development plan and be provided with adequate access, and the necessary water and sewer hookups for the intended use or development. Without county review for compliance with these subdivision requirements, lands may be subdivided by the department of transportation that may become a potential issue not only to the state, but to the county which must continue to regulate development on the remaining subdivided lands. Once subdivided without county approval, leftover lands from the state acquisition that remain in private ownership may end up being substandard in dimensions or land area, or being in lack of the adequate access and facilities necessary to support future development, in which case the county may recommend such remnant lots to be consolidated with adjacent properties rather than left as stand-alone lots.

Second, lots that are subdivided and recorded without county approval will lack an official record with the county. The absence of records with the county may hinder the issuance of future building or other development permits on the remainder lots. This would certainly create a significant problem and be detrimental for the private landowners who would have no official county record for the lots leftover from the state acquisition, but who must still come to the county for all their development permits on lots that would not exist in county records.

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Third, the proposed bill gives the state department of transportation the authority to subdivide lands for acquisition for highway projects. This infringement on county zoning powers is unnecessary and unjustified. No state highway project that we are aware of has been delayed by the processing of a subdivision application with the county. All previous subdivisions for highway purposes have been submitted to and processed by the county on the basis of the state's power of eminent domain to acquire lands for public purposes, and as such are processed with waivers from many subdivision requirements. In any case, the department of transportation already appears to have all the authority needed to plan, design and construct a highway project, and the processing of the subdivision with the county seems more of a record keeping matter rather than a permit necessary to implement the highway project. If the filing of a subdivision application with the county does not hinder the highway project, why is there a need to exempt the agency from county subdivision requirements?

Lastly, allowing multiple agencies to have subdivision authority would create a confusing situation that may not be in the best interest of the private landowners, and the real estate and insurance industries, as there would be a higher possibility of subdivision actions not being acknowledged or recognized by all players, and thereby complicating future real estate transactions. Would the department of transportation inform other agencies of their subdivisions and would their subdivision records be available for public use? Who would reconcile any discrepancies in subdivision records found at the department of transportation and the counties?

Accordingly, we respectfully request that House Bill 2428 be filed.

Thank you for this opportunity to comment.

Very truly yours,


Henry Eng, FAICP Director
Department of Planning and Permitting

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