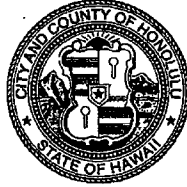


TESTIMONY

HB 2523

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

March 28, 2008

The Honorable Clayton Hee, Chair
and Members of the Committee on
Water and Land
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

**Subject: House Bill No. 2523
Relating to the Land Use Commission**

The Department of Planning and Permitting **supports** House Bill 2523, which requires the Land Use Commission to explicitly consider county general plans and regional development plans in its deliberations over requests for land reclassification.

Please adopt House Bill 2523.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Henry Eng", is written over the typed name and title.

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb2523b-kh.doc



The REALTOR® Building
1136 12th Avenue, Suite 220
Honolulu, Hawaii 96816

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Fax: (808) 737-4977
Neighbor Islands: (888) 737-9070
Email: har@hawaii Realtors.com

March 26, 2008

The Honorable Clayton Hee, Chair
Senate Committee on Water and Land
State Capitol, Room 228
Honolulu, Hawaii 96813

RE: H.B. 2523, Relating to the Land Use Commission
Hearing Date: Friday, March 28, 2008 @ 2:45 p.m., Room 414

On behalf of our 10,000 members in Hawaii, the Hawaii Association of REALTORS® (HAR) supports H.B. 2523.

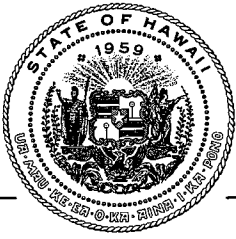
The Smart Growth initiatives that were introduced this session were well received. To really bring the message home about Smart Growth, the HAR's Government Affairs Committee sponsored a forum to discuss these principles with legislators.

In January 2008, in front of a standing-room-only crowd, Realtor Ken Chong shared his wisdom and experience through similarities between Smart Growth principles of today and those done when developing Hawaii Kai forty years ago. The dynamic speaker Katherine Perez, from Forest City, discussed transient-oriented development initiatives conducted in Oakland that stressed the importance of combining mixed-use & mixed-income communities with public transportation.

Each county is unique and one size does not fit all; county governments understand their situations and needs better than any other governing body. The HAR also supports passage of **HB2522, which allows individual counties to reclassify lands of not more than 50 acres and provide for the consolidation of the boundary amendment process with county proceedings.**

The HAR believes that both HB2522 and HB2533 will complement each other in State and County land use approvals by allowing counties to reclassify parcels of land of less than 50 acres while permitting the Land Use Commission to include and consider a County's General Plan.

Mahalo for the opportunity to testify.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
ABBEY SETH MAYER
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OFFICE OF PLANNING

OFFICE OF PLANNING

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Statement of
ABBEY SETH MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON WATER AND LAND
Friday, March 28, 2008
2:45 PM
State Capitol, Conference Room 414

in consideration of
HB 2523
RELATING TO THE LAND USE COMMISSION.

Chair Hee, Vice Chair Kokubun, and Members of the Senate Committee on Water and Land.

The Office of Planning supports HB 2523 which would require the State Land Use Commission (LUC) to consider County plans in their decision-making on district boundary amendments.

Requiring the LUC to consider the county general plan and adopted community or development plans when making decisions is supportive of good planning practice. In fact, the LUC already has adopted in its own administrative rules (Section 15-15-77(b)(4), Hawaii Administrative Rules) a requirement that "...In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county in which the land is located." Also, the Office of Planning, as a matter of practice, incorporates the status of county general and adopted community or development plans into our reviews and position statements on all petitions. Therefore, passage of the proposed bill would serve to more closely align Section 205-17, Hawaii Revised Statutes, with current practice.

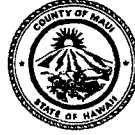
Thank you for the opportunity to testify.

Council Chair
G. Riki Hokama

Vice-Chair
Danny A. Mateo

Council Members
Michelle Anderson
Gladys C. Baisa
Jo Anne Johnson
Bill Kauakea Medeiros
Michael J. Molina
Joseph Pontanilla
Michael P. Victorino

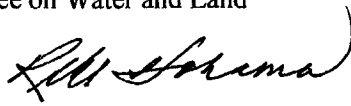
Director of Council Services
Ken Fukuoka



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

March 27, 2008

TO: Honorable Clayton Hee, Chair
Senate Committee on Water and Land

FROM: G. Riki Hokama
Council Chair 

SUBJECT: **HEARING OF MARCH 28, 2008; TESTIMONY IN SUPPORT OF HB 2523,
RELATING TO THE LAND USE COMMISSION**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to require the Land Use Commission to consider each county general plan and all community, development, or community development plans adopted pursuant to the county general plan when making land use classification decisions.

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. County general plans, community plans, and other long-range plans adopted pursuant to the general plans are enacted after lengthy review and consultation, with considerable input from the public (including volunteer commissioners), county agencies, and State agencies. Requiring the Land Use Commission to formally acknowledge and contemplate these plans is a matter of basic respect and common sense.
2. 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 gives due consideration to counties' decisions as expressed in their long-range plans.
3. With Maui County currently working on an update of its General Plan, this measure is timely.

For the foregoing reasons, I support this measure.

Council Chair
G. Riki Hokama

Vice-Chair
Danny A. Mateo

Council Members
Michelle Anderson
Gladys C. Baisa
Jo Ann Johnson
Bill Kauakea Medeiros
Michael J. Molina
Joseph Pontanilla
Michael P. Victorino



Director of Council Services
Ken Fukuoka

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Senate Committee on: Water and Land
Attn: Honorable Clayton Hee, Chair
Testimony Supporting HB2523: Relating to the Land Use Commission

February 28, 2008

Aloha Chair Hee and Members of the Committee:

Thank you for the opportunity to testify on this important measure. As the Maui County Council has not had opportunity to take a formal position on this measure, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I strongly support HB 2523 for the following reasons:

1. Land use decisions that affect residents living and working within the counties should be made at the level closest to the people. This measure will help to ensure that the Land Use Commission gives due consideration to counties' decisions as expressed in their long-range plans.
2. County general plans and community plans are key long-range planning documents that reflect current and anticipated conditions of the counties, including population and physical development patterns; unique problems and needs of the regions; social, economic, and environmental consequences related to potential developments; and, the desired sequence patterns and characteristics of future developments.
3. These long-range plans are enacted after lengthy review and detailed input from the public, County agencies, and State agencies.
4. As Maui County is currently working on an update of its General Plan, this measure is timely.

For the foregoing reasons, I support HB 2523.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Anderson".

Michelle Anderson,
Council Member

**THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER IS
PLEASED TO SUBMIT THIS TESTIMONY IN ACCORDANCE
WITH ACT 132 OF 1970 WHICH CREATED THE CENTER.
AUTHORS ARE MEMBERS OF THE UNIVERSITY COMMUNITY.**

RL: 2207

HB 2523
RELATING TO THE LAND USE COMMISSION

Senate Committee on Water and Land
Public Hearing – March 28, 2008
2:45 p.m., State Capitol, Conference Room 414

by
Peter Flachsbart, Urban and Regional Planning
David Callies, Richardson Law School
Peter Rappa, Environmental Center

HB 2523 amends the Land Use Commission's decision-making criteria to include the County General Plan and plans adopted pursuant to the general plan. Our statement on this measure does not represent an institutional position of the University of Hawaii.

This bill proposes that the state Land Use Commission consider one additional criterion in its review of petitions for reclassification of district boundaries. The new criterion is:

"(5) The county general plan and all community, development, or community development plans adopted pursuant to the county general plan, as they relate to the land that is the subject of the reclassification petition."

This revision appears to remove inconsistencies that may arise between the state's land use boundaries and the urban district boundaries of the county general plans or community development plans at the county level. This revision may address a weakness in the present law as it affects decision-making by the Land Use Commission

While adding county plans and related laws to the mix of what the LUC should consider among the other specifics in that portion of the Land Use Law to be amended is a good idea, the concept of specific inquiries generally is flawed in its execution. The LUC should be concerned only with broad classification issues under the Land Use Law: do we need more urbanization where and when there is a proposal for a boundary amendment to Urban from either Agriculture or Conservation Districts. It is inappropriate for the LUC to inquire into precise proposed uses/projects. That's the responsibility of the relevant

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AUTHORS ARE MEMBERS OF THE UNIVERSITY COMMUNITY.**

county. Only if the LUC is petitioned for a special use permit is it entitled to ask about specific projects.

Indeed, it would be useful for the Legislature to consider an amendment making this whole section relevant only for special use petitions - rather than land use boundary change -, in order to confine the Commission to its broad-brush role (urban, rural, agric. or conservation) as envisioned when the Land Use Law was originally passed, leaving the rest, appropriately to the counties.

Thank you for the opportunity to comment on this bill.

TESTIMONY

HB 2523

(END)