

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

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

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Statement of
ABBEY SETH MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON WAYS AND MEANS
Friday, March 28, 2008
9:30 AM
State Capitol, Conference Room 211

in consideration of
HB 2527, HD1, SD1
RELATING TO SMART GROWTH.

Chair Baker, Vice Chair Tsutsui, and Members of the Senate Committee on Ways and Means.

HB 2527, HD1, SD1, would amend Chapter 225M, State Planning, to charge the Office of Planning {OP} with advocating and coordinating smart growth principles in new and existing communities and developing a plan to establish a statewide system of greenways and trails. No funding is provided. Our concerns are summarized as follows:

Smart Growth Functions. OP does not object to the amendments to Chapter 225M for smart growth coordination and technical assistance, since our responsibilities and functions under our operating authorities—225M as well as the Hawaii State Plan, the Coastal Zone Management Act, and the State Land Use Law—are founded on comprehensive long-range planning and sustainable development principles that predate

the packaging of smart growth principles. However, we are concerned that OP may be limited in terms of what it can do with existing resources and staffing levels.

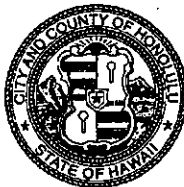
Statewide Greenways System. We note that the SD1 incorporated OP's comments on the statewide greenways system concept, especially regarding the need for full cooperation and participation of the counties as well as State and federal agencies, including the Department of Transportation. We are concerned that no additional staff or funds are provided for developing a plan for a statewide greenways and trails system.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honolulu.dpp.org

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

March 28, 2008

The Honorable Rosalyn H. Baker, Chair
and Members of the Committee on Ways and Means
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Baker and Members:

**Subject: HOUSE BILL 2527 HD1, SD1
Relating to Smart Growth**

The Department of Planning and Permitting **objects to certain provisions** of House Bill 2527, HD1, SD1. This bill would adopt smart growth principles under the State Office of Planning (OP), establish a development approval process for sustainable communities, and create a plan for a system of greenways and trails by OP.

We agree with previous testimony by the State Office of Planning (OP) that it is reasonable for it to be involved in policy-making and technical assistance on smart growth. However, the language of proposed subsection 224M-2(b)(8), HRS appears to expand its role into zoning and possibly even project review and approval. Specifically, the OP would be responsible for "coordinating the implementation of smart growth principles, including infill development" (underscoring added for emphasis). This strongly suggests an infringement on county home rule in terms of land use planning, regulations and permitting. We request either revisions to the bill's language, or an explicit statement added that the subject provisions do not in any way infringe on county planning, zoning and permitting functions.

Under Part II of the Bill, a development option to create "sustainable communities" is proposed. It appears that the main incentive for a developer to use this option is a time limit of one-year for state departments to take action on applicable permits. We have no objection to this concept, but do object to involving the land use commission in land use regulation at the level of site plan approval. This is a responsibility of the counties; the commission's responsibility is to administer the four state land use districts. Language proposed under subsection -10 is tantamount to project zoning.

In addition, subsection -10(b)(1)(B) needs clarification; it states, "Open space shall include the shoreline . . ." Our understanding is that the "shoreline" is literally a line, and doesn't constitute any space per se. Perhaps the intent is to include the shoreline setback area, or beach area under the state conservation district?

The Honorable Rosalyn H. Baker, Chair
and Members of the Committee on Ways and Means
The Senate
RE House Bill 2527 HD1, SD1
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Subsection -10(c) also addresses the option for the land use commission to amend "any existing urban or rural land use designation . . . to provide for the open space requirements . . ." This language is unclear. Is it the intent that all open space areas be re-districted to the state conservation district? If this is the intent, we would have to object to spot-designations of the state conservation district. Moreover, we do not believe the intent of the conservation district is to encompass active urban park space, as is typically provided in new residential communities.

Lastly, Part III of the bill would direct OP to develop a plan for a "statewide system for greenways and trails". While we do not object to this initiative, it would be helpful to disclose the purpose-- Is it to enhance scenic highways; create "softer solutions" for addressing storm water drainage flows; expand hiking, bicycling and horse-back riding opportunities; and/or link parks and other open spaces via pathways?

We request that House Bill 2527 HD1, SD1 be amended to address our concerns before adoption.

Thank you for this opportunity to comment.

Very truly yours,


Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb2527hd1sd1-kh.doc



March 28, 2008

The Honorable Rosalyn H. Baker, Chair
Senate Committee on Ways and Means
State Capitol, Room 211
Honolulu, Hawaii 96813

RE: H.B. 2527, HD1, SD1 – Relating to Smart Growth
Hearing: Friday, March 28, 2008 at 9:30 a.m. in Conference Room 211

Aloha Chair Baker, and Members of the Committee on Ways and Means:

On behalf of our 10,000 members in Hawaii, the Hawaii Association of REALTORS® (HAR) **submits comments** on H.B. 2527, HD1, SD1.

The Smart Growth initiatives that were introduced this session were received well. To really hit the message home about Smart Growth, HAR's Government Affairs Committee sponsored a forum to discuss these principles with legislators on January 9, 2008. In front of a standing-room-only crowd, Ken Chong, President of Pacific Realty Consultants and Principal Broker and Managing Director of Avalon Realty LLC, shared his wisdom and experience through similarities between Smart Growth principles of today and those done when developing Hawaii Kai. The dynamic speaker Katherine Perez, Vice President of Development for Forest City Development, discussed transient-oriented development initiatives being conducted in Oakland stressing the importance of combining mixed-use & mixed-income communities with public transportation.

Each county is unique and one size does not necessarily fits all, and our county governments understand our real situations the best. It is with strong support that HAR continues to support the initiatives below, and respectfully ask that you consider them:

- 1) Requiring the LUC to consider the county general plan as it relates to the petition when reviewing the petitions for reclassification of lands.**
- 2) Allowing the counties to reclassify lands not more than 50 acres to streamline lengthy processes, and providing for the consolidation of the boundary amendment process with county proceedings.**
- 3) Providing funding infrastructure capacity, density bonuses, and other forms of incentives that will create mixed use & income communities.**

Mahalo for the opportunity to testify.

testimony

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Wednesday, March 26, 2008 9:50 PM
To: testimony
Subject: HB 2527 HD1 SD1 - RELATING TO SMART GROWTH - Friday, March 28, 2008

SUBMITTED BY:

Windward Ahupua`a Alliance
P.O. Box 6366
Kane`ohe, HI 96744
Phone: 808/247-6366 ext. 1#
Cell: 808/224-4496

COMMITTEE ON WAYS AND MEANS
Sen. Roslyn Baker, Chair
Sen. Shan Tsutsui, Vice Chair

Notice of Decision-Making
9:30am
Friday, March 28, 2008
Conference Room 211

HB 2527 HD1 SD1 - RELATING TO SMART GROWTH
STRONGLY SUPPORT

TO THE COMMITTEE ON WAYS AND MEANS:

My name is Shannon Wood, speaking on behalf of the *Windward Ahupua`a Alliance*, a **501c3** Hawai`i non-profit corporation, which was established in July, 2002, to create the **Ko`olau Greenbelt & Heritage Trails System** in order to restore, protect & provide public access to the *mauka* lands on the Windward side of O`ahu along the base of *Na Ko`olau* up to **Kawela Bay** as well as to support locally-owned sustainable economic activities in the more developed areas.

Over time, however, its mandate expanded well beyond these vitally important regional issues. See below for our current mission statement.

The language placed in the most recent draft by the **COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND AFFORDABLE HOUSING** came from an amendment I proposed to incorporate the language in **SB 2832 SD1 - RELATING TO SUSTAINABILITY** which got sent to legislative purgatory after *Crossover* by being referred to five different *House* committees.

The objections raised by the *Department of Land & Natural Resources* have been addressed by **SD1**, but once the planning is done, they will have to come back to the table for implementation.

I urge that you allocate funding to fulfill the bill's mandate. Please note that there are substantial federal funds available for the planning process as well as significant local, national and international private foundations who will give serious consideration to what this bill seeks to accomplish. As for the bill's defective date, it can be changed in a **Conference Committee** since I assume that it will be sent to

one.

Mahalo for the opportunity to present this testimony.

The Windward Ahupua`a Alliance works to educate & inform residents, visitors, businesses, policymakers, and the media about using Smart Growth planning principles which promote sustainability. These include: Designing long-term waste management systems; improving illegal dumping/derelect vehicle legislation & enforcement; developing & implementing comprehensive curbside recycling programs; providing research & support on public access issues; establishing both state & county-level "legacy lands" funds to support affordable workforce housing initiatives and critical land purchases to protect against inappropriate development; creating alternative energy systems to reduce Hawai`i's dependency on fossil fuels & to mitigate the impacts of global warming; and, setting long-term watershed protection policies based upon ahupua`a concepts & principles.