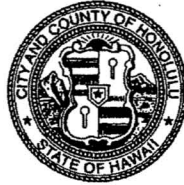


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DIRECTOR

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DEPUTY DIRECTOR

February 26, 2008

The Honorable Kyle T. Yamashita, Chair
and Members of the Committee on Economic
Development & Business Concerns
House of Representatives
State Capital
Honolulu, Hawaii 96813

Dear Chair Yamashita and Members:

**Subject: House Bill 3286
Relating to Mining**

The Department of Planning and Permitting **opposes** HB 3286 which would authorize the state land use commission as the sole permitting agency of mining operations in the state agricultural district.

We are opposed on the basis of home rule, and because the bill lacks clarity. The counties are in charge of land use zoning. Currently, mining operations, including ancillary activities, are permitted in the state agricultural district only by special permit. The department is currently processing one such application for a quarry in Ewa. It also requires a county conditional use permit. Issues that we are reviewing include impacts to adjoining uses, reuse of land once the mining is exhausted, and traffic impacts.

As you know, Chapter 205, HRS, sets forth permitted uses in the state agricultural district, and allows the counties to further define zoning requirements. Thus, while Chapter 205 outlines permitted uses, it is county zoning that determines other development standards such as maximum height limits, lot coverage, parking, setbacks, etc. Through the conditional use permit process, we can also evaluate each proposal on its specific circumstances, and require modifications. We can also require public hearings, if community impacts of a particular use may be significant. This bill would allow mining as a permitted use in the state agricultural district. Except to address ancillary uses, no other conditions or restrictions are placed. Section 2 of the bill states that the counties would no longer have zoning responsibility for mining in the state agricultural district; therefore, county zoning standards would be inapplicable. What process would the state land use commission use to review, take action, and perhaps approve with conditions any mining proposals?

The Honorable Kyle T. Yamashita, Chair
and Members of the Committee on Economic
Development & Business
House of Representatives
Re: House Bill 3286
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We would have no objections to retaining Section 1 of the bill, and deleting Section 2. This would eliminate the need for a special permit, but allow the counties to continue to regulate mining as each county deems appropriate. This proposal would streamline the entitlement process, but not sacrifice issues of public health, safety and welfare.

Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Henry Eng', written over a horizontal line.

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb3286-kt.doc