

LATE TESTIMONY

Hawaii's Thousand Friends

1510 Ala Moana Blvd., Suite 102, Honolulu, HI 96814 • Phone: Fax: 808-210-7557 Email: info@thousandfriends.org

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

Rep. Ken Ito, Chair

Rep. Sharon Har, Vice Chair

COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Jessica Wooley, Vice Chair

HB 1048

RELATING TO LAND USE

Committee Chairs and members;

Hawaii's Thousand Friends, a statewide land and water use organization, opposes HB 1048 that amends chapters 46 and 205 to give the counties greater authority and flexibility to define uses and regulate land use in the State Rural District consistent with broad State policies and standards.

HB 1046 goes beyond giving the counties greater authority in the rural district. The bill shifts decision-making power to the counties over lands in the agricultural district, even IAL, through passage of county ordinances for permitted uses, density, and lot sizes.

In addition, HB 1048 eliminates the LUC thus curtailing public participation through the contested case process. Removing LUC oversight of the Rural District would make it virtually impossible for Oahu residents to participate in contested case hearings because the Oahu Planning Commission is advisory and there is no appeals process to the decision-making elected City Council.

The Hawai'i County Planning Commission has made it virtually impossible for citizen's to participate in contested case hearings by charging large fees from anyone making such a request. The Commission rarely recognizes that anyone has standing to participate in such a hearing and strict time deadlines make it very difficult to request a contested case.

County land use decision-makers do not consider impacts on issues of statewide concern such as public schools, libraries, state highways and the counties do not have the biological or cultural expertise to protect important natural and cultural resources that are abundant within the rural district.

The LUC must comply with PASH and analyze the effect of a reclassification on Native Hawaiian customary and traditional rights. Under county jurisdiction of rural lands the State loses the ability to impose conditions and comply with PASH because the newly allowable intensive uses will be allowed as a *right* and can be implemented without State review.

HB 1048 is a major overhaul of Hawaii's land use planning system with implications and consequences not known or even thought of and should be held in committee.