

Jamie Kawamoto  
332 Molokai Hema Street  
Kahului, Hawaii 96732

January 26, 2010

Via email to: [JUDtestimony@capitol.hawaii.gov](mailto:JUDtestimony@capitol.hawaii.gov)

Honorable Jon Riki Karamatsu  
Chair, House Judiciary Committee  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: HB939 Relating to Coastal Zone Management

Dear Representative Karamatsu:

I am writing to you today in support of HB 939.

With the continued bleak economic forecasts for not just our State but our Nation as well, it is imperative that our legislators do what they can to help stimulate our economy. As you are well aware, Hawaii is one of the most expensive states in which to do business. Passage of HB939 will assist developers in getting "smaller" projects that have been stalled or shelved due to the current cap on SMA minor permits under way.

Although there have been jobs created by Federal stimulus monies, the brunt of the burden still falls upon local business owners large and small to help our economy grow. Any legislation that can help one sector of business in turn helps us all.

Thank you for your consideration of this measure.

Sincerely,



Jamie Kawamoto



UNIVERSITY  
of HAWAII°  
MĀNOA

RL:2254

HB 939  
RELATING TO COASTAL ZONE MANAGEMENT

House Committee on Judiciary

Public Hearing – January 26, 2010  
2:30 p.m., State Capitol, Conference Room 325

By  
Peter Rappa, Environmental Center

HB 939 increases the threshold amount between special management area minor permits and special management area permits. We are testifying as individual faculty and our views do not represent an official position of the University of Hawaii.

The threshold for minor permits for actions that take place in the Special Management Area is \$125,000. In its original form in 1976, the threshold was placed at \$25,000. The law was later amended to increase the threshold value to \$65,000 in 1982 and to its present value in 1991. This bill would increase the threshold value to \$250,000 presumably to take into account inflation and the increased cost of construction. While we can find no reason it should not be increased, we would also point out that there is no evidence to suggest what an appropriate amount should be. Where to draw the line between minor and major is a political decision but the amount suggested in this bill provides a starting point for the discussion on what that threshold should be.

Thank you for the opportunity to comment on this bill.



LAND USE RESEARCH  
FOUNDATION OF HAWAII  
700 Bishop Street, Ste. 1928  
Honolulu, Hawaii 96813  
Phone 521-4717  
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Via E-Mail: [JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov)

**January 27, 2010**

**Support of and Proposed Amendments to HB 939 (HSCR 536)  
Relating to Coastal Zone Management  
(Increases the threshold amount)**

Honorable Chair Jon Riki Karamatsu, Vice Chair Ken Ito and Members  
House Judiciary Committee

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

**LURF strongly supports HB 939**, which increases the threshold amount between special management area minor permits and special management area permits; and respectfully request that **the bill be amended to include an exception of the application of this requirement for the consolidation and re-subdivision of a parcel of land, provided however, that no additional lots are created; and also that roadway and utility lots shall not be counted as additional lots.**

**LURF'S POSITION.** We strongly support HB 939, which will increase the threshold for special management area minor permits from \$125,000 to \$250,000. Due to the rise of inflation, the cost of construction disqualifies most projects from special management area minor permits. Increasing the valuation for minor permits, while requiring no adverse impacts to the environment, is vital to maintaining a balance between the two competing interests of commercial or residential development.

We would also respectfully recommend an amendment to the definition of "Development" so the term would "except" and not include SMA application to: Consolidation and re-subdivision of a parcel of land provided no additional lots are created. Roadway and utility lots shall not be counted as additional lots.

The rationale for the requested SMA exemption for consolidation and re-subdivision of parcels provided no additional lots are created, are as follows:

- **The County planning and permitting processes will continue to protect the SMA** through zoning, shoreline setback rules and regulations, and building permit review of any proposed development on the lots;
- **No additional lots will be created therefore no major impact is anticipated;**
- **In this case, the subdivision process is merely a “readjustment of lot lines.” This amendment does not involve any change in use, and does not involve any “development” action.** The action of consolidation and re-subdivision is a technical and administrative action, not a discretionary action.
- **No “up-zoning” would occur** due to the consolidation and re-subdivision, because the subdivided lots would still be required to meet existing County zoning and subdivision standards in order to be consolidated and re-subdivided,
- **SMA review will take place in the Zoning and building permit process,** therefore the process would continue to offer shoreline protection.
- Also, the **counties will require compliance with their shoreline setback rules and regulations** which would further address shoreline protection when any development in the SMA is proposed;
- The exemption would be **limited to creating subdivisions only** – as noted above, the SMA would still apply to the created subdivided lots in the zoning and building permit processes and the application of the shoreline setback rules and regulations.

**CONCLUSION.** We appreciate the opportunity to express our **support for HB 939** and our request that your Committee favorably consider an amendment which would include an exception of the application of this requirement for the consolidation and re-subdivision of a parcel of land, provided, however, that no additional lots are created; and also that roadway and utility lots shall not be counted as additional lots.

Tammie Ann Matsuura

January 26, 2010

Representative Jon Riki Karamatsu  
Chairman  
Judiciary Committee  
House of Representatives  
State of Hawaii  
[JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov)

**RE: HB939, Relating to Coastal Zone Management**

Dear Committee members:

I am a resident of Maui and love our island. Maui has grown in a positive way since I have moved here 20 years ago. Before the economic downturn due to the recession, there were many new developments that have given the island many conveniences that they needed without taking away the beauty of it.

Maui's development & construction industry is a large part of our economy and due to the economic challenges the island and it's community have been greatly affected.

I am in strong support of HB939 because many small construction projects no longer qualify for the SMA minor permit.

Thank you for your time and consideration.

Sincerely,



Tammie Ann Matsuura

Brian H. Ige  
821 Makiki Street  
Wailuku, Hawaii 96793

January 26, 2010

Via email to [JUD\\_testimony@capitol.hawaii.gov](mailto:JUD_testimony@capitol.hawaii.gov)

Representative John Riki Karamatsu, Chairman  
Judiciary Court  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

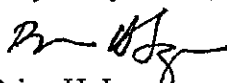
RE: House Bill 939

Dear Representative Karamatsu:

I am a resident of Maui and I strongly support the passage of House Bill 939.

Increasing the exemption valuation to \$250,000 is long overdue and will certainly help with the generation of more revenue for the State with no significant impact to the environment.

Very Truly Yours,

  
Brian H. Ige

*Kerri Tsubaki*  
*111 Pulama Place*  
*Kihei, Hawaii 96753*

January 26, 2010

Jon Riki Karamatsu, Chairman  
House of Representatives  
Judiciary Committee  
State of Hawaii  
Via email to: [JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov)

**RE: *Hearing on HB939, Coastal Zone Management***

Dear Chairman Karamatsu:

My name is Kerri Tsubaki and I have been a resident of Kihei, Maui for the past 17 years. I have seen our island undergo so many changes and with the economic turmoil of money shortages and exponentially rising costs we have all faced recently, it is even more apparent that changes are needed to adapt to our current situation. Many small construction projects no longer qualify for SMA Minor permits which will further halt the stimulation of our economy.

I strongly support Representative Yamashita's introduction of HB939.

Thank you for your consideration.

Very truly yours,

Kerri Tsubaki

Keli Wada  
64 Hoku Puhipaka Street  
Kahului, HI 96732

January 26, 2010

Jon Riki Karamatsu, Chairman  
Judiciary Committee  
House of Representatives  
State of Hawaii

Re: House Bill No. 939  
Introduced by: Rep. Kyle Yamashita

Dear Chairman Karamatsu,

I am in strong support of the proposed House Bill number 939.

Everywhere I look and everyone I know has been affected by the downturn of our local economy. Due to the rise in inflation, construction costs have increased tremendously over the years. As such, most development projects do not qualify anymore for special management area minor permits. This regrettably puts a stop to valuable projects that could help boost our economy. HB 939 will help balance our coastal areas between preservation and development.

Thank you for your hard work and concern for both our environment and our economy and for the opportunity to support this bill.

Sincerely,



Keli Wada



MARILYN STUPPLEBEEN

838 Puapana Place, Makawao, Hawaii 96768 (808)572-6233

January 26, 2010

Chairman Jon Riki Karamatsu  
Judiciary Committee  
House of Representatives  
State of Hawaii  
Via email to: [JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov)

Re: House Bill 939 – Increasing SMA Minor Permit Threshold

Dear Chairman Karamatsu,

I am in support of the proposed House Bill 939.

Given that construction and development costs have risen, many of the development projects don't qualify for SMA minor permits. Please approve the increase for the SMA minor permit from \$125,000 to \$250,000. This will allow valuable projects that could help boost our economy.

Thank you for your time and opportunity to support this bill.

Sincerely,



Marilyn Stupplebeen