

har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 4:41 PM
To: WLOtestimony
Cc: salvado@lurf.org
Subject: Testimony for HB1503 on 2/4/2011 10:00:00 AM
Attachments: 110204 HB1503 LUC Boundary Amendments.pdf

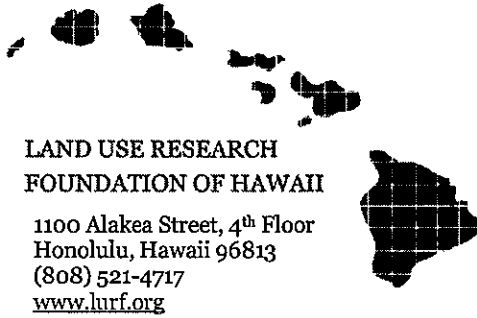
Testimony for WLO/EEP 2/4/2011 10:00:00 AM HB1503

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: David Arakawa
Organization: Land Use Research Foundation
Address: 1100 Alakea Street Honolulu, Hawaii
Phone: 808-521-4717
E-mail: salivado@lurf.org
Submitted on: 2/3/2011

Comments:
Aloha Committee Clerk,

Please accept our testimony in support of HB 1503 and please distribute to Committee members.

Thank you.
Shannon Alivado
LURF



LAND USE RESEARCH
FOUNDATION OF HAWAII

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February 3, 2011

Representative Jerry L. Chang, Chair and Representative Sharon E. Har, Vice Chair
Committee on Water, Land & Ocean Resources
Representative Hermina M. Morita, Chair and Representative Denny Coffman, Vice Chair
Committee on Energy & Environmental Protection

Testimony of the Land Use Research Foundation of Hawaii in support of HB 1503, Relating to Land Use (Amends process for 5-year district boundary reviews initiated by a county or state office of planning, and which are consistent with adopted county general or community development plans.)

Friday, February 4, 2011 at 10:00 a.m. in CR 325

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 appreciates the opportunity to provide our testimony **in support of HB 1503**, which increases the valuation threshold for the review of minor projects within the special management areas.

HB 1503. The purpose of this bill is to expedite the process used by the Land Use Commission (LUC) when a county or state office of planning petitions for boundary amendments which implement adopted county plans.

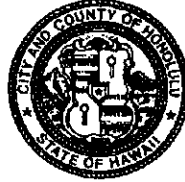
LURF's Position. Under present law, all applications for LUC boundary amendments (including those submitted by county or state planning offices) must undergo a contested case hearing, which involves intervention by third parties, formal trial-type hearings, preparation of findings of fact and conclusions of law, and the possibility of judicial appeal. The current state of the law has resulted in the situation where the counties rarely initiate boundary amendments although such redistricting efforts would help encourage a more compact development pattern, and discourage sprawl and leap-frog development, which require undue extension of public facilities.

This Act would allow the LUC to decide counties' boundary amendment applications via a quasi-legislative process, similar to that followed by county councils when deciding a rezoning or boundary amendment involving less than 15 acres. LURF believes this less onerous land redistricting process will encourage the initiation of boundary amendments by the state or counties, thereby helping to better guide growth and development, while still ensuring conformance with the procedural safeguards prescribed by the boundary amendment process required to be followed by private applicants.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR



DAVID K. TANQUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 4, 2011

The Honorable Jerry L. Chang, Chair
and Members of the Committee on Water, Land,
& Ocean Resources
The Honorable Hermina M. Morita, Chair
and Members of the Committee on Energy
& Environmental Protection
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Chang, Morita and Members:

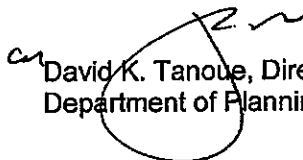
**Subject: House Bill No. 1503
Relating to Land Use**

The Department of Planning and Permitting (DPP) **strongly supports** House Bill No. 1503. It would streamline the State land use boundary amendment process for petitions submitted by the counties or the State Office of Planning. Such petitions would be exempt from Chapter 343, HRS.

This procedure will expedite the State land use change process for developments that are consistent with county general plan, applicable development plan and any community master plan. Projects will still have to undergo county approval through the zone change process, and other applicable approvals, which give ample opportunity for state agency review and public input. The current lengthy contested case (quasi-judicial) process would be replaced with a quasi-legislative process. It is estimated that instead of a year (or more), the State process could be streamlined to less than six months.

Thank you for the opportunity to comment.

Very truly yours,


David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf

har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 04, 2011 3:19 AM
To: WLOtestimony
Cc: NaLeoHawaiian@aol.com
Subject: Testimony for HB1503 on 2/4/2011 10:00:00 AM

LATE TESTIMONY

Testimony for WLO/EEP 2/4/2011 10:00:00 AM HB1503

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Mahelani Sylva
Organization: Individual
Address: 4160 Hoala Street, 22C Lihue, HI 96766
Phone: 808-635-4735
E-mail: NaLeoHawaiian@aol.com
Submitted on: 2/4/2011

Comments:

I oppose HB1503.

Time and time again it is found through an Environmental Assesment (EA), that an Environmental Impact Statement (EIS) is not needed and a FONSI, findings of no significant impact, is issued. A Cultural Assessment is issued only when an EIS is required. Due to this process, many of our cultural sites have been destroyed or have resulted in irreparable damage.

Put in Cultural Assessment and enough with the exemptions.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

LATE TESTIMONY

**HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**
February 4, 2011, 10:00 A.M.

(Testimony is 1 page long)

TESTIMONY IN STRONG OPPOSITION TO HB 1503

Aloha Chair Chang, Chair Morita, and Members of the Committees:

The Hawai'i Chapter of the Sierra Club strong opposes HB 1503, which allows the counties to reclassify land before the Land Use Commission without allowing the public to meaningfully participate and without necessary environmental review to ensure informed decisions.

Citizen participation in land use decisions is an essential part of our democratic tradition. It ensures decisions are based on complete information (which may involved directly challenging biased studies paid for by developers). It gives decision makers sufficient information so that they can attached protective, enforceable conditions to permits. And -- if appropriate -- it may stop environmentally destructive projects.

Further, participation by experienced organizations clearly acting in the public interest frequently enriches and helps the Land Use Commission make better decisions. For example, the Sierra Club's participation in the Castle & Cooke/Koa Ridge clarified and established the requirements of an environmental assessment before approving a reclassification for a major subdivision.

As another example, the Friends of Makakilo recently challenged D.R. Horton's failure to properly follow the Land Use Commission's rules in the Ho'opili proposal. Because of the involvement of the Friends of Makakilo, the Land Use Commission rejected an incomplete and inadequate application. Only with a completed application could the LUC have imposed appropriate timing conditions for the community.

This type of involvement could become lost based on the justification that "the counties have rarely initiated boundary amendments because they must go through the same process as private applicants." See HB 2338 at page 1-2. This is a particularly flimsy basis to eliminate the democratic process. Let's be clear. This proposal is nothing more than a means to advance developer interests and to avoid having to discuss the particularized impacts of each individual development on agricultural land. This measure should be deferred.

Thank you for this opportunity to provide testimony.