

lowen1-Kyli

From: lowen1-Kyli on behalf of waltestimony
Sent: Saturday, February 09, 2013 8:46 AM
To: lowen1-Kyli
Subject: FW: Submitted testimony for HB859 on Feb 8, 2013 08:30AM
Attachments: HB859 HD1 2-8-13.pdf

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Friday, February 08, 2013 4:18 PM
To: waltestimony
Cc: dawn.hegger@hcdaweb.org
Subject: Submitted testimony for HB859 on Feb 8, 2013 08:30AM

HB859

Submitted on: 2/8/2013

Testimony for WAL on Feb 8, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Daw Hegger	HCDA	Support	Yes

Comments: The clerk instructed me to submit HCDA's additional testimony that was submitted for HB859 HD1 before the House committee on Energy and Environmental Protection and Committee on Water and Land

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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A BILL FOR AN ACT

RELATING TO COMPLETE STREETS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that "complete streets"
2 that are designed not only for drivers, but also for
3 pedestrians, bicyclists, and people with disabilities, are safer
4 and more convenient. The Hawaii community development authority
5 shall therefore establish and implement community development
6 rules regarding "complete streets."

7 Because the development of "complete streets" will
8 oftentimes involve improvements to county highways and land
9 owned by the county adjacent to county highways, it is necessary
10 to establish a procedure by which the affected county will be
11 notified of the proposed improvements and given an opportunity
12 to present its position on such improvements prior to decision-
13 making by the Hawaii community development authority.

14 Accordingly, the purpose of this Act is to authorize the
15 Hawaii community development authority to:

16 (1) establish community development rules regarding
17 "complete streets"; ~~and to~~

____.B. NO.____

- 1 (2) establish a procedure by which an affected county may
2 present its position on proposed improvements to
3 county highways or land owned by the county adjacent
4 to county highways prior to the authority's decision-
5 making, ~~which shall be final, conclusive, and binding~~
6 ~~on the affected county.;~~
- 7 (3) ~~establish that prior to approving such proposed~~
8 ~~improvement, the Authority shall be required to adopt~~
9 ~~findings that conclude that the improvements are~~
10 ~~consistent with any complete streets policy and~~
11 ~~principles adopted by the affected county and national~~
12 ~~complete streets best practices, design and standards;~~
13 ~~and~~
- 14 (4) ~~that with those findings the authority's decision~~
15 ~~shall be final, conclusive and binding on the affected~~
16 ~~county.~~

17 SECTION 2. Section 206E-5.6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~§~~206E-5.6~~] Public hearing for decision making;~~
20 ~~separate hearing required.~~ (a) When rendering a decision
21 regarding:

____.B. NO.____

1 (1) An amendment to any of the authority's community
2 development rules established pursuant to chapter 91
3 and section 206E-7; or

4 (2) The acceptance of a developer's proposal to develop
5 lands under the authority's control,
6 the authority shall render its decision at a public hearing
7 separate from the hearing that the proposal under paragraph (1)
8 or (2) was presented.

9 (b) The authority shall issue a public notice in
10 accordance with section 1-28.5 and post the notice on its
11 website; provided that the decision-making hearing shall not
12 occur earlier than five business days after the notice is
13 posted. Prior to rendering a decision, the authority shall
14 provide the general public with the opportunity to testify at
15 its decision-making hearing.

16 (c) The authority shall notify the president of the senate
17 and the speaker of the house:

18 (1) Of any public hearing upon posting of the hearing
19 notice; and

20 (2) With a report detailing the public's reaction at the
21 public hearing, within one week after the hearing.

22 (d) Whenever a developer's proposal to develop lands under
23 the authority's control includes improvements to a county

____.B. NO.____

1 highway, as defined in section 264-1, or any land owned by the
2 county adjacent to a county highway in accordance with the
3 complete streets rules adopted by the authority, the authority
4 shall notify the mayor of the affected county and provide the
5 affected county with an opportunity to present its position on
6 the proposed improvements at the public hearing at which the
7 proposal is presented; provided that the public hearing shall
8 not occur earlier than twenty days after the notice is given.

9 ~~If the authority approves~~Prior to approving the proposed
10 improvements to a county highway or any land owned by the county
11 adjacent to a county highway, the authority's decision shall
12 include findings that the proposed improvements are:

- 13 (1) consistent with the affected county's adopted complete
14 streets policy and principles;
- 15 (2) consistent with national complete streets best
16 practice guidelines; and
- 17 (3) reflect current best practices in the affected county.

18 (e) the authority's decision shall be final and binding on
19 the county. The county shall permit the approved improvements
20 to be constructed and once the improvements are constructed in
21 accordance with the complete streets rules adopted by the
22 authority, the county shall, without qualification, accept
23 dedication thereof."

____.B. NO.____

1 SECTION 3. Section 206E-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~+~~§206E-7[~~+~~] **Community development rules.** The authority
4 shall establish community development rules under chapter 91 on
5 health, safety, building, planning, zoning, [~~and~~] land use, and
6 complete streets which, upon final adoption [~~of a community~~
7 ~~development plan~~], shall supersede all other inconsistent
8 ordinances, [~~and~~] rules, and regulations relating to the use,
9 zoning, planning, and development of land and construction
10 thereon. Rules adopted under this section shall follow existing
11 law, rules, ordinances, and regulations as closely as is
12 consistent with standards meeting minimum requirements of good
13 design, pleasant amenities, health, safety, and coordinated
14 development. The authority may, in the community development
15 plan or by a community development rule, provide that lands
16 within a community development district shall not be developed
17 beyond existing uses or that improvements thereon shall not be
18 demolished or substantially reconstructed, or provide other
19 restrictions on the use of the lands."

20 SECTION 4. Statutory material to be repealed is bracketed.
21 New statutory material is underscored.

22 SECTION 5. This Act shall take effect ~~on July 1, 2020~~upon
23 approval.

____.B. NO.____

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2

INTRODUCED BY: _____

3

BY REQUEST

4

____.B. NO.____

Report Title:

Hawaii Community Development Authority; Complete Streets

Description:

Requires the Hawaii Community Development Authority to develop and adopt complete streets design standards and street plans for the community development districts.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.