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MAILING
P.O. BOX 970967
WAIPAHU, HAWAII
96797-0967

STREET
94-487 AKOKI STREET,
WAIPAHU, HAWAII 96797

P 808.847.4666
F 808.440.1198
E INFO@BIAHAWAII.ORG

WWW.BIAHAWAII.ORG

Testimony to the Senate Committee on Judiciary and Labor Thursday, March 31, 2016 9:30 a.m. State Capitol - Conference Room 016

RE: H.B. 2617 H.D.1 S.D. 1: Relating to Land Use.

Dear Chair Keith-Agaran, Vice-Chair Shimabukuro, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

While BIA-HAWAII was in strong support of the original versions of the bill, based on the changes proposed in SD 1, BIA-Hawaii is opposed to H.B. 2617 H.D. 1 S.D. 1, which proposes to amend Chapter 205 HRS as follows:

- Requires the counties to petition the Land Use Commission to reclassify lands.
- Provides flexibility to the Land Use Commission in addressing violations of representations made to the Commission or conditions imposed by the Commission in the Commission's decisions and orders.

The original version of the bill proposed amendments to Chapter 205 HRS recognizes the Counties role in planning for future growth and requires government to be more "proactive" rather than its current mode of "reacting" to developer/landowners. It also required the LUC to conduct 5 year boundary reviews, something that is currently the responsibility of the Office of Planning, which has fallen behind in conducting these reviews.

The amendments added in S.D. 1, seemed to address issues of non-compliance with conditions imposed by the LUC at the time the reclassification was approved. As currently stated in Chapter 205 HRS, once the lands are reclassified by the LUC, the urban and rural lands are the responsibility of the Counties to effectuate the appropriate zoning. In other words, there was an apparent clear role and responsibility for the LUC and County as a part of the land use entitlement process. As drafted, this bill would have the LUC involved in the build out of a project or projects located on the reclassified lands even after all public improvements and infrastructure required by conditions imposed pursuant to this chapter, both within the project area and outside the project area have been completed or as defined in this bill "substantial commencement."

We applaud the efforts put forth in the original versions of this bill to streamline the process, not by eliminating important steps, but by correctly recognizing the appropriate roles and responsibilities of the Counties and the State. The Counties expertise in urban planning would focus on where urban expansion will occur through their various plans while the State would focus on regional transportation issues, public schools, and natural resource management issues such as the protection of our water resources. The process would not allow for urban expansion if the State's various interests were not addressed or protected.

While there is a need to improve the process established in Chapter 205 HRS, we are opposed to the proposed amendments provided in H.B. 2617 H.D. 1 S.D. 1.

Thank you for the opportunity to express our views on this matter.



Hawaii Island Economic
Development Board

Phone: (808) 935-2180 Fax: (808) 935-2187 Website: www.hiedb.org

Mail: 117 Keawe Street, #107 · Hilo, HI 96720 E-mail: hiedb@hiedb.org

Testimony to the
Senate Committee on Ways and Means
9:0 a.m., Thursday, 31 March 2016
State Capitol, Conference Room 211
415 South Beretania Street
Honolulu, HI 96813

Re: HB 2617, SD1
Relating to Land Use

(Requires the counties to petition the Land Use Commission (LUC) to reclassify lands.
Provides flexibility to the LUC in addressing violations of representations made to the LUC
or conditions imposed by it in its decisions and orders.)

Aloha Chair Tokuda, Vice Chair Delacruz and Members of the Committee:

My name is Jacqui Hoover and I have the privilege of serving as Executive Director and Chief Operating Officer of the Hawaii Island Economic Development Board (HIEDB) and concurrently as President of Hawaii Leeward Planning Conference (HLPC).

HIEDB is concerned about this bill and its initiatives as related to potential inadvertent consequences including and not limited to, the potential for negative impact on the economy, and we respectfully request that HB 2617, HD1, SD1 **be held** by the Committee on Ways and Means and allow the respective county planning directors, the LUC, State Office of Planning, land use experts, and other stakeholders to review a multitude of issues and concerns. HIEDB is willing to be part of this effort and assist in developing recommendations to the Legislature in the next session.

Mahalo for the opportunity to offer testimony in opposition to HB2617.

Sincerely,

Jacqui L. Hoover
President



HAWAII LEEWARD PLANNING CONFERENCE
P.O. BOX 2159 • KAMUELA, HAWAII 96743-2159

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(Requires the counties to petition the Land Use Commission (LUC) to reclassify lands.
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or conditions imposed by it in its decisions and orders.)

Aloha Chair Tokuda, Vice Chair Delacruz and Members of the Committee:

My name is Jacqui Hoover and I have the privilege of serving as President of Hawaii Leeward Planning Conference (HLPC) and concurrently as Executive Director and Chief Operating Officer of the Hawaii Island Economic Development Board (HIEDB).

Please accept this testimony on behalf of Hawaii Leeward Planning Conference (HLPC) a private, member-based 501(c)3 organization incorporated in 1974 by a group of forward-looking individuals who saw the need for an organization which would work with government and the community to promote sound planning decisions for West Hawaii. HLPC members include and are not limited to major landowners on Hawai`i Island including several Ali`i Trusts, ranches and other agricultural concerns as well as, developers, planners, engineers, utilities, and financial institutions

The 100+ members and affiliates of HLPC are very concerned about and opposed to numerous points of the subject bill but especially wish to express their strong opposition **to Section 3 of HB 2617, HD1, SD1**, proposing to expand the authority of the LUC to allow anyone to file unlimited motions to initiate quasi-judicial actions; impose penalties and change the terms of development conditions absent standards that are clearly defined.

We respectfully request that HB 2617, HD1, SD1 **be held** by the Committee on Ways and Means and allow the respective county planning directors, the LUC, State Office of Planning, land use experts and stakeholders to review a multitude of issues and concerns. HLPC is willing to be part of this effort and assist in developing recommendations to the Legislature in the next session.

Mahalo for the opportunity to offer testimony in support of SB 2639.

Sincerely,

Jacqui L. Hoover
President

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: gino@local368.org
Subject: *Submitted testimony for HB2617 on Mar 31, 2016 09:05AM*
Date: Thursday, March 31, 2016 8:03:05 AM

HB2617

Submitted on: 3/31/2016

Testimony for WAM on Mar 31, 2016 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Gino Soquena	Hawaii Laborers Union Local 368	Oppose	Yes

Comments:

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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