



**OFFICE OF PLANNING  
STATE OF HAWAII**

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**DAVID Y. IGE**  
GOVERNOR

**LEO R. ASUNCION**  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**LEO R. ASUNCION**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON FINANCE**  
Wednesday, March 2, 2016  
11:00 AM  
State Capitol, Conference Room 308

in consideration of  
**HB 2617, HD 1**  
**RELATING TO LAND USE.**

Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance.

The Office of Planning (OP) offers the following comments on HB 2617, HD 1. The measure would amend Hawaii Revised Statutes (HRS) Chapter 205 to: (1) require the counties to petition the State Land Use Commission (LUC) for district boundary amendments that would result from the adoption of county general plans; and (2) transfer responsibility for the five-year boundary review and any subsequent district boundary amendments from OP to the LUC.

OP supports the concept of regional district boundary amendments that arise from the recommendations of a periodic comprehensive review or update of county plans or the five-year boundary review conducted pursuant to HRS § 205-18. HB 2617, HD 1 clarifies that the process to be used by the counties shall be governed by HRS § 205-4, which is a contested case proceeding.

As private and public stakeholders know, there would be significant costs in preparing and hearing a petition for multiple parcels on a regional scale under the filing and procedural requirements of the LUC contested case proceeding. This has been the major impediment to

State and county use of their existing authority under HRS § 205-4 to petition for multi-parcel boundary amendments based on adopted county plans or the five-year boundary review.

With respect to the transfer of the five-year boundary review, OP believes the decision making process is more objective when the responsibilities for conducting the boundary review and for approval of subsequent boundary amendments are kept separate, as they currently are.

Thank you for the opportunity to testify on this measure.

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**Nadine K. Nakamura**  
Managing Director

**Ka'aina S. Hull**  
Deputy Director of Planning

**PLANNING DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**

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**Testimony before the House Committee on Finance**  
**HOUSE BILL 2617 HD1 Relating to Land Use**

March 2, 2016 at 11:00 am House Conference Room 325

By Michael A. Dahilig -- Director of Planning, County of Kauai

Honorable Members of the Committee:

On behalf of the County of Kaua'i Planning Department, I offer testimony in **SUPPORT** of this measure and offer further comments.

The County's inability to petition the LUC to reclassify lands without landowner approval truncates its home rule authority to implement its zoning policies consistent with police power authority granted pursuant to Section 46-4, Hawaii Revised Statutes.

Standards for reclassification already include consistency with the Counties' general plans – plans developed and required for zoning implementation under HRS 46-4.

Landowners should not have the sole discretion to inhibit the Counties from exercising their police power to regulate land use and implement their general plans because they do not consent to an application being presented before the Land Use Commission. This creates a loophole in our land use regulatory process that weakens the government's ability to realize the community's vision.

We appreciate the retention of this authority in this draft and a recognition that County plans need to be aligned with State land use policy. However, we remain concerned with the requirement that Counties must still undergo the contested case process pursuant to HRS 205-4 to seek alignment with land use policy adopted via a legislative process by the councils. We understand the need for transparency and robust discussion. Using a quasi-judicial means of creating a record, we believe, runs contradictory to the land use policy adoption process via ordinance (i.e. legislation) prescribed under HRS 46-4 and still gives landowners a great deal of authority to gum-up implementation of county land use policy at the state level. We would implore the committee to seek balance and prescribe an alternative public involvement processes in a county-initiated redistricting petition pursuant to this proposed legislation besides defaulting to a contested case hearing.

Notwithstanding our comments, we nevertheless respectfully request the committee **APPROVE** the measure as it is a step in the right direction. Mahalo for your consideration.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:43 PM  
**To:** FINTestimony  
**Cc:** darakawa@lurf.org  
**Subject:** Submitted testimony for HB2617 on Mar 2, 2016 11:00AM

**HB2617**

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Z. Arakawa	Land Use Research Foundation of Hawaii	Support	No

Comments: The Land Use Research Foundation of Hawaii SUPPORTS HB 2617, HD1, which requires the counties to petition LUC to reclassify lands; and requires the Land Use Commission (LUC) to conduct the five year regional boundary change review. LURF respectfully urges favorable consideration by this Committee. Thank you for the opportunity to provide comments in support of this measure.

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**Sent:** Tuesday, March 01, 2016 8:47 AM  
**To:** FINTestimony  
**Cc:** ahmai@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB2617 on Mar 2, 2016 11:00AM\*

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Ah Mai	League of Women Voters Hawaii	Oppose	No

Comments:

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**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



Testimony Submitted to the House Committee on Finance

Hearing: Wednesday, March 2, 2016 11 am  
Conference Room 308

In Opposition to HB 2617 HD 1 Relating to Land Use

Chair Luke, Vice Chair Nishimoto, and Members of the Committee.

Aloha. Conservation Council for Hawai'i opposes HB 2617 HD 1, which requires the counties to petition Land Use Commission to reclassify lands, and requires LUC to conduct the 5-year regional boundary change review.

HB 2617 HD1 may appear as if it is making the land use classification process more efficient and clarifying existing procedures. However, the bill weakens the land use classification process in favor of land development.

HB 2617 HD1 is unnecessary because under current law any department or agency of a county may petition the LUC for a land use change for areas greater than 15 acres (HRS 205-4)

HB 2617 HD 1 would allow land use designation changes and density increases without environmental review (HRS Chapter 343) and cultural resources assessments.

HB 2617 D 1 would eliminate the contested case hearing process because petitions to reclassify land from a general plan that comes before the LUC have been reviewed and approved by the county and LUC

HB 2617 HD 1 would also designate the LUC – not the currently designated Office of Planning – as the agency responsible for conducting the 5-year boundary review every. It is important that the Office of Planning perform the 5-year boundary review for the following reasons.

1. The purpose of the 5-year boundary review is to:
  - Conduct a statewide, comprehensive, policy-oriented examination of State land use district classifications;
  - Provide the LUC the opportunity to review urbanization proposals from a broad, comprehensive and long-range viewpoint rather than incrementally on a case-by-case basis; and
  - Provide the LUC an opportunity to identify conservation or agricultural resources, which are not in the appropriate land use district and should be reclassified.

Telephone/Fax: 808.593.0255 | email: [info@conservehi.org](mailto:info@conservehi.org) | web: [www.conservehi.org](http://www.conservehi.org)  
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton

Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



The statewide land use classification process was established because development was rampant. The legislature determined that a lack of adequate controls had caused the development of Hawai'i's limited and valuable land for short-term gain for a few. One of the main reasons for establishing the statewide land-use classification system was that development of scattered subdivisions resulted in expensive, yet reduced public services, and prime agricultural land was converted to residential use.

The legislature established the LUC to administer the statewide zoning law, which is responsible for preserving and protecting our land and encouraging those uses to which the land is best suited. The LUC was created to administer Hawai'i's statewide land use-zoning law and is responsible for preserving and protecting Hawai'i's lands and encouraging those uses to which lands are best suited

Please protect our land and natural resources by supporting our existing statewide land-use planning process – not gutting it. Please oppose HB 2617 HD 1.

Mahalo nui loa for the opportunity to testify.

A handwritten signature in cursive script that reads "Marjorie Ziegler".

Marjorie Ziegler

March 2, 2016

**The Honorable Sylvia Luke, Chair**

House Committee on Finance

State Capitol, Room 308

Honolulu, Hawaii 96813

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

**HEARING: AGENDA #1, Wednesday, March 2, 2016 at 11:00 a.m.**

Aloha Chair Luke, Vice Chair Nishimoto and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,800 members. HAR **supports** H.B. 2617 which requires the counties to petition LUC to reclassify lands and requires LUC to conduct the five year regional boundary change review.

The proposed amendments to Hawai'i Revised Statutes, Chapter 205 recognizes the overlapping land use entitlement jurisdiction and procedural issues that have created unnecessary and redundant processes in reclassifying and rezoning lands in Hawai'i. As such, HAR applauds the efforts to streamline the process by removing processes that overlap, while not eliminating important steps or oversight.

Additionally, HAR supports the efforts to provide more policy direction to the Counties on allowable land uses and activities in each of the four state land use districts and providing the counties with more direct oversight and responsibility to manage land use activities within the agricultural district. Often than not, counties have unique and distinct land use needs that differ between counties.

Mahalo for the opportunity to testify.





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COMMITTEE ON FINANCE

WEDNESDAY, March 2, 2016, 11:00 A.M., Room 308  
HB 2617, HD1 RELATING TO LAND USE

**TESTIMONY**

Karen Ah Mai, Legislative Committee, League of Women Voters of Hawaii

Chair Luke, Vice-Chair Nishimoto and Committee Members:

**The League of Women Voters of Hawaii opposes HB2517, HD1** which requires the counties to petition the Land Use Commission to reclassify lands, and requires the Land Use Commission to conduct the five-year regional boundary change review.

This measure skirts both environmental and cultural concerns, so we cannot support this effort. Thank you for the opportunity to submit testimony.



Chamber of Commerce HAWAII  
*The Voice of Business*

**LATE**

**Testimony to the House Committee on Finance  
Wednesday, March 2, 2016 at 11:00 A.M.  
Conference Room 308, State Capitol**

**RE: HOUSE BILL 2617 HD 1 RELATING TO LAND USE**

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 2617 HD 1, which requires the counties to petition LUC to reclassify lands and LUC to conduct the five year regional boundary change review.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The 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.

We applaud the efforts 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.

The proposed amendments to Chapter 205 HRS are long overdue. We strongly support H.B. 2617 HD 1.

Thank you for the opportunity to testify.





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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair

HB 2617 HD1  
RELATING TO LAND USE

March 2, 2016

Aloha Chair Luke, Vice Chair Nishimoto and Committee Members:

Hawaii's Thousand Friends opposes HB 2617 HD1 that requires the LUC to *approve* county submitted district boundary changes.

HB 2617 HD1 eliminates the LUCs ability to *deny* a county initiated petition to reclassify land in the conservation district, land areas greater than fifteen acres or lands delineated as important agricultural lands.

This automatic approval requirement proposed eliminates the LUCs ability to carry out its primary roles of 1) ensuring that areas of state concern are addressed and considered in the land use decision-making process, 2) preserve and protect Hawaii's lands and 3) encourage those uses to which lands are best suited.

County departments or agencies already have the ability to petition the Land Use Commission for a boundary amendment change so it is unclear why this measure is needed.

Having the Land Use Commission conduct the required five-year boundary review is an interesting idea but the concept needs more in-depth study, evaluation greater public involvement before this extreme change is approved.

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**LUIS P. SALAVERIA**  
Director

**MARY ALICE EVANS**  
Deputy Director



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai`i

**DANIEL ORODENKER**  
Executive Officer

**Bert K. Saruwatari**  
Planner  
**SCOTT A.K. DERRICKSON AICP**  
Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**FRED A. TALON**  
Drafting Technician

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Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission  
Before the  
**House Committee on Finance**  
Wednesday March 2, 2016  
11:00 AM  
State Capitol, Conference Room 308

In consideration of  
**HB 2617 HD1**  
**RELATING TO LAND USE**

Chair Luke, Vice Chair Nishimoto, and members of the Committee on Finance:

The Land Use Commission (LUC) supports HB2617 HD1 which amends Chapter 205, Hawai`i Revised Statutes (HRS), to: require the counties to petition the LUC for regional district boundary amendments based on their adopted updates to county general plans; and transfers the Five-Year boundary review process from the Office of Planning (OP) to the LUC.

The LUC supports the concept of regional district boundary amendments that would reflect changes made during a comprehensive update of county general plans and development or community plans. The amended language makes clear that the counties can petition the LUC for such amendments following section 205-4, HRS, which insures that State interests, public trust and due process issues would be addressed.

The current Five-Year boundary review process has OP conducting a comprehensive review and making recommendations to the LUC; including providing OP the ability to bring petitions directly to effect those recommendations. The LUC serves as an adjudicatory body to render a determination on any petitions. The proposed bill would have the LUC both conducting the Five-Year review and then approving subsequent boundary amendments based on it.

Thank you for the opportunity to testify on this measure.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2016 7:36 AM  
**To:** FINTestimony  
**Cc:** inunyabus@gmail.com  
**Subject:** Submitted testimony for HB2617 on Mar 2, 2016 11:00AM

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
E Yadao	Individual	Oppose	No

Comments: Hawaii does not need to expedite nor facilitate permitting and use for developments in any way. Hawaii needs to slow it down. This is not 1959. It is the year 2016 and there's very little land and resources left. Kauai is one of the few islands with a trickle of resources and this proposal would be the straw that breaks its back. Oahu is destroyed: completely. And you would allow the same to happen on Kauai?

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2016 5:42 AM  
**To:** FINTestimony  
**Cc:** skaye@runbox.com  
**Subject:** \*Submitted testimony for HB2617 on Mar 2, 2016 11:00AM\*

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sally kaye	Individual	Oppose	No

Comments:

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**Sent:** Monday, February 29, 2016 9:38 PM  
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**Cc:** lisamarten@hawaii.rr.com  
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**HB2617**

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Marten	Individual	Oppose	No

Comments: This Bill takes away from the ability of the LUC to do a comprehensive and effective job.

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**Sent:** Tuesday, March 01, 2016 10:01 AM  
**To:** FINTestimony  
**Cc:** katc31999@gmail.com  
**Subject:** \*Submitted testimony for HB2617 on Mar 2, 2016 11:00AM\*

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katarina Culina	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2016 11:14 AM  
**To:** FINTestimony  
**Cc:** thorneabbott@yahoo.com  
**Subject:** Submitted testimony for HB2617 on Mar 2, 2016 11:00AM

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thorne Abbott	Individual	Oppose	No

Comments: It would be accurate that our land use permitting and entitlement section is often overly complicated and redundant in some aspects. However, the proposed changes would not streamline the system but would make it more complex because each county would use different standards for decision making setting different precedents resulting in an even more complex and unpredictable outcome when exploring land use development and long-term land use planning. If the Legislature wants to increase and enhance opportunities for builders, contractors, and the like, they should reestablish renewable energy credits that led to significant job growth for these hard working entities. Respectfully, please do not support this bill or any similar attempts at circumventing established land use and entitlement processes. Thorne Abbott Coastal Planner

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**Sent:** Tuesday, March 01, 2016 11:35 AM  
**To:** FINTestimony  
**Cc:** prentissc001@hawaii.rr.com  
**Subject:** Submitted testimony for HB2617 on Mar 2, 2016 11:00AM

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Prentiss	Individual	Oppose	No

Comments: Oppose. To implement this bill, the Land Use Commission would have to increase its staff which would duplicate the staff already available at OP.

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**Sent:** Tuesday, March 01, 2016 3:22 PM  
**To:** FINTestimony  
**Cc:** cfrith@fbsmgt.com  
**Subject:** Submitted testimony for HB2617 on Mar 2, 2016 11:00AM

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Frith	Individual	Oppose	No

Comments: HB 2617 is unnecessary as current law says that any department or agency of the county may petition the LUC concerning land use changes for areas greater than 15 acres.

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**To:** FINTestimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** Submitted testimony for HB2617 on Mar 2, 2016 11:00AM

**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: aloha, I strongly oppose HB2617 after I read the following information HB 2617 is not accurate in \* Stating that the first legislature "enacted the state land use commission law in 1961 because of the perception that inadequate controls allowed many of Hawaii's limited and valuable lands to be used for the short-term gain of a few, resulting in a long-term loss to the growth and potential of Hawaii's economy." The reality is \* The first state legislature determined that a lack of adequate controls had caused the development of Hawaii's limited and valuable land for short-term gain for a few \* The key reasons for establishing the state-wide zoning system was because the development of scattered subdivisions created problems of expensive yet reduced public services, and the converted prime ag land to residential use. \* The legislature established the Land Use Commission (LUC) to administer this state-wide zoning law, which is responsible for preserving and protecting Hawaii's lands and encouraging those uses to which lands are best suited. HB 2617 will \* Strip the LUC of most of its discretionary authority \* Change land use designation and density increases without environmental review (Chapter 343) and cultural resources assessment \* Eliminate the contested case process by giving decision-making authority to the counties \* Eliminate LUC's ability to handle State issues such as the public trust doctrine, environment, health, cultural, archeological and constitutionally protected gathering rights \* Eliminate any process for review or requirements to be granted a special permit \* Eliminate any state LUC oversight on reclassification of all proposals of 15 acres or less including conservation lands and Important Ag Lands (IAL) \* Make wind a permitted exemption from subdivision requirements \* Limit protection of A & B rated ag lands to those already irrigated \* Limit protection of C & D rated ag lands to those in production or those that could be in production with irrigation \* Require the LUC to approve boundary amendments the counties have put in their general plans and development/community plans \* Require automatic approval of county-recommended boundary changes within 90 days of final public hearing \* Lead to unregulated and unrestricted growth of renewable energy facilities on ag lands without public trust, cultural and environmental review \* Automatically, after 5-year boundary review, convert ag land with subdivisions to the rural designation, which allows greater density and does not require farming Why would support this after reading this information? Too much is at stake here and the

people urge you to oppose it as well, Mahalo,

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 01, 2016 3:58 PM  
To: FINTestimony  
Cc: svickery@hawaii.rr.com  
Subject: \*Submitted testimony for HB2617 on Mar 2, 2016 11:00AM\*



**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Vickery	Individual	Oppose	No

Comments:

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Sent: Tuesday, March 01, 2016 4:13 PM  
To: FINTestimony  
Cc: panther\_dave@yahoo.com  
Subject: \*Submitted testimony for HB2617 on Mar 2, 2016 11:00AM\*



**HB2617**

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Oppose	No

Comments:

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**LATE**

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

March 2, 2016

The Honorable Sylvia Luke, Chair  
and Members of the Committee on Finance  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Luke and Committee Members:

Subject: House Bill No. 2617, HD 1  
Relating to Land Use

The Department of Planning and Permitting (DPP) **opposes that portion** of House Bill No. 2617, HD 1, which requires the counties to petition the Land Use Commission (LUC) to reclassify lands when their respective General Plans are amended.

The City's General Plan consists of a comprehensive set of policy statements. It is not map-based. While it includes a generalized illustrative map to convey the overall character of land development on Oahu, it does not assign specific land uses or land use categories to regions or specific parcels of land. Therefore, we would be hard-pressed to request or justify any State land use boundary amendment each time our General Plan is updated.

If the intent of the Bill is to streamline the land use entitlement process, we would have no objections if this process were an option that the other counties could elect to use.

We take no position on transferring responsibility for five-year boundary reviews from the State Office of Planning to the Land Use Commission.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in blue ink that reads "George I. Atta".

George I. Atta, FAICP  
Director



**LATE**

**HB2617 HD1**  
**RELATING TO LAND USE**  
House Committee on Finance

March 2, 2016

11:00 a.m.

Room 308

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS** on HB2617 HD1, which requires the counties to submit amended county general plans and district boundary amendment petitions to the Land Use Commission (LUC), and requires the LUC, rather than the Office of Planning (OP), to conduct the periodic review of land use district boundaries.

OHA notes with appreciation that the latest draft of this measure now retains important land use protections that help preserve significant natural and cultural sites, watersheds, forests, and agricultural and conservation lands, as well as the procedural safeguards that have historically ensured the protection of Native Hawaiian constitutional rights and an adequate consideration of impacts to environmental and cultural resources.

Should it choose to pass this measure, OHA notes that the LUC may not have sufficient resources to conduct the degree of inquiry necessary to adequately fulfill its constitutional and statutory duties. The State has an affirmative, constitutional duty to preserve and protect Native Hawaiian traditional and customary practices, while reasonably accommodating competing private interests. When considering petitions, the LUC is required to consider and mitigate any impacts of proposed district boundary amendments on the maintenance of valued cultural, historical, and natural resources, upon which traditional and customary practices may rely. OHA notes that HB2716 HD1 may lead to the LUC's consideration of district boundary amendments for potentially massive areas of non-contiguous land, with diverse characteristics and uses. Such large scale amendments would also require the LUC to consider the potential impacts and mitigation, which would require substantially more inquiry and consideration than petitions for individual parcels.

Finally, OHA notes that after receiving significant public and stakeholder input, including input from state agencies, the counties, and development and environmental groups, OP issued a State Land Use System Review Draft Report (Report) last May. **The final draft of this Report is anticipated to be released shortly, and will contain a number of specific recommendations for changes to the state's land use system, based on the extensive community, county, and state input gathered over the past two years.** Therefore, OHA urges the Committee to consider deferring any significant changes to our state land use system until the Report and its recommendations are finalized by OP.

Mahalo for the opportunity to testify on this measure.

# BIA-HAWAII

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**Testimony to the House Committee on Finance**  
**Wednesday, March 2, 2016**  
**11:00 a.m.**  
**State Capitol - Conference Room 308**

**LATE**

**RE: HB 2617 HD1: Relating to Land Use.**

Dear Chair Luke, Vice-Chair Nishimoto, 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.

BIA-HAWAII is in strong support of H.B. 2617 HD 1, which proposes to amend Chapter 205 HRS as follows:

1. Requires the counties to petition LUC to reclassify lands.
2. Requires LUC to conduct the five year regional boundary change review.

The 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.

We applaud the efforts 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.

The proposed amendments to Chapter 205 HRS are long overdue. We strongly support H.B. 2617 HD 1.

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