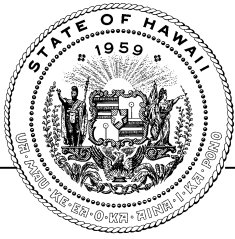




# HB2617 HD1

Measure Title:	RELATING TO LAND USE.
Report Title:	State Land Use Commission; Zoning; Boundary Amendments
Description:	Requires the counties to petition LUC to reclassify lands. Requires LUC to conduct the five year regional boundary change review. (HB2617 HD1)
Companion:	
Package:	None
Current Referral:	PSM/WLA, WAM
Introducer(s):	YAMASHITA, LUKE, YAMANE



**OFFICE OF PLANNING  
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

**DAVID Y. IGE**  
GOVERNOR

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

Statement of  
**LEO R. ASUNCION**  
Director, Office of Planning  
before the  
**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS**  
**AND**  
**SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE**  
Friday, March 18, 2016  
2:45 PM  
State Capitol, Conference Room 224

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

Chairs Nishihara and Gabbard, Vice Chairs Espero and Nishihara, and Members of the Senate Committees on Public Safety, Intergovernmental, and Military Affairs, and Water, Land, and Agriculture.

The Office of Planning (OP) supports the intent of HB 2617, HD 1, and offers a proposed amendment to bill. OP requests that the responsibility for the five-year boundary review and any subsequent district boundary amendments as a result of the five-year boundary review be retained with OP, instead of transferring the responsibility to the Land Use Commission (LUC).

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. Additional resources for the conduct of the boundary review would also ensure more timely reviews. Although OP lacks the funding to undertake the intensive studies typically conducted in prior reviews, OP is currently performing an analysis of the district boundaries statewide utilizing the State's Geographic Information System and data

layers from a number of agencies, including the respective counties. A report on this initiative is expected in the coming months.

Thank you for the opportunity to testify on this measure.



**HB2617 HD1  
RELATING TO LAND USE**

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senate Committee on Water, Land, and Agriculture

March 18, 2016

2:45 p.m.

Room 224

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 the Committees 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 Committees 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.

**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

---

Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission  
Before the  
**Senate Committee on Public Safety, Intergovernmental and Military Affairs**  
**and**  
**Senate Committee on Water, Land and Agriculture**  
Friday March 18, 2016  
2:45 PM  
State Capitol, Conference Room 224

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

Chairs Nishihara and Gabbard, Vice Chairs Espero and Nishihara, and members of the Committee on Public Safety, Intergovernmental and Military Affairs, and Committee on Water, Land and Agriculture:

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.

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'āina S. Hull**  
Deputy Director of Planning

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

4444 Rice Street  
Kapule Building, Suite A-473  
Līhu'e, Hawai'i 96766-1326  
TEL (808) 241-4050 FAX (808) 241-6699

**Testimony before the Senate Committees on Public Safety, Intergovernmental and  
Military Affairs and Water Land and Agriculture  
HOUSE BILL 2617 HD1 Relating to Land Use**

March 18, 2016 at 2:45 pm House Conference Room 224

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 required under state law 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.

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

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.dpp.org](http://www.honolulu.dpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

March 18, 2016

The Honorable Clarence K. Nishihara, Chair  
and Members of the Committee on Public  
Safety, Intergovernmental, and Military Affairs  
The Honorable Mike Gabbard, Chair  
and Members of the Committee on Water,  
Land, and Agriculture  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Nishihara, Gabbard, 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".

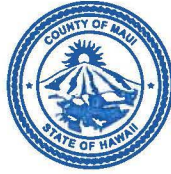
George I. Atta, FAICP  
Director



ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

Testimony before the Senate Committees on  
Public Safety, Intergovernmental and Military Affairs and Water Land and Agriculture  
HOUSE BILL 2617 HD1 Relating to Land Use

March 18, 2016 at 2:45 pm House Conference Room 224

By William Spence, Planning Director for Maui County *W25-*

The County of Maui Department of Planning **SUPPORTS** HB2617, HD1, with **COMMENTS**.

The Maui County general and community plans go through a well-vetted, public process that take years to complete. At adoption by the County Council, our general plan documents designate where growth should occur, the Maui Island Plan in particular has "growth boundaries", and they describe, in considerable detail, the desirable characteristics of individual projects. It only makes sense that after years of public process that the counties should be able to submit their plans to the Land Use Commission for regional district boundary amendments toward implementing the plans. The normal implementation of our community plans and general plans is a formidable task, project by individual project, and this measure would be of great assistance in this regard, to the county, the public and land owners.

We offer the following comments toward support of this bill:

- The bill should be clear that the intent is for regional district boundary amendments, not only for individual projects that happen to be in the different county general plans.
- The bill should include all lands identified for growth, not just those 15 acres and larger. As written, the bill only includes those lands subject to subsection 205-3.1(a), and 205-4, both only recognize lands larger than 15 acres. This would have the commission only considering a portion of a general plan rather than an entire document. It would also favor the large landowners and leaves out the little guy.
- We are concerned that new subsection 205-3.1(e) would require the counties ("...each county *shall submit...*") to petition for boundary amendments for all applicable lands, rather than this being an option for them. Our plans have a 20-year planning horizon and it may be premature to urbanize all designations within the plan. Accordingly, all plan designations should not have equal consideration for boundary amendments by the Land Use Commission.
- We note for the record that if this bill is adopted, the administrative rules of the Land Use Commission may have to be amended to allow large-scale amendments, rather than parcel by parcel review. Their rules currently require extremely detailed documentation (such as metes and bounds descriptions and copies of individual deeds) that would make regional boundary amendments nearly impossible to undertake.



Council Chair  
Mike White

Vice-Chair  
Don S. Guzman

Presiding Officer Pro Tempore  
Michael P. Victorino

Councilmembers  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Don Couch  
Stacy Crivello  
Riki Hokama




Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

March 17, 2016

TO: The Honorable Clarence K Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Mike Gabbard, Chair  
Senate Committee on Water, Land, and Agriculture

FROM: Don Couch  
Councilmember, South Maui District 

DATE: Friday, March 18, 2016 at 2:45pm

SUBJECT: **TESTIMONY IN SUPPORT OF HB 2617 HD1, RELATING TO LAND USE**

Thank you for the opportunity to testify in **support** of this important measure. I provide this testimony as an individual member of the Maui County Council.

The purpose of this measure is to provide guidance and clarification to chapter 205, Hawaii Revised Statutes, by requiring the counties to petition the land use commission for regional district boundary amendments needed after adopting updates to their general plan and requiring the land use commission to conduct the five-year boundary amendment reviews. The bill would streamline the process without eliminating important steps or oversight.

As Chair of the Maui County Council's Planning Committee, I would like to echo the Maui County Planning Director's comments and concerns, as outlined in the attached testimony.

I **support HB 2617 HD1** for the reasons cited in testimony submitted by the Maui County Planning Director, and urge you to support this measure.



**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



**CORRECTED**

Testimony Submitted to the Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
and Senate Committee on Water, Land, and Agriculture

Hearing: Friday, March 18, 2016 2:45 pm  
Conference Room 224

In Opposition to HB 2617 HD 1 Relating to Land Use

Chair Nishihara, Chair Gabbard, Vice Chair Espero, 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

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



- Provide the LUC an opportunity to identify conservation or agricultural resources, which are not in the appropriate land use district and should be reclassified.

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.



Marjorie Ziegler

# BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

THE VOICE OF THE CONSTRUCTION INDUSTRY

## 2016 OFFICERS

PRESIDENT  
CRAIG WASHOFSKY  
SERVCO HOME & APPLIANCE  
DISTRIBUTION

PRESIDENT-ELECT  
EVAN FUJIMOTO  
GRAHAM BUILDERS, INC.

VICE PRESIDENT  
DEAN UCHIDA  
SSFM INTERNATIONAL, INC.

TREASURER  
MICHAEL WATANABE  
JW, INC.

SECRETARY  
PETER ELDRIDGE  
RAYNOR OVERHEAD DOORS &  
GATES, INC.

SPECIAL APPOINTEE-BUILDER  
PAUL D. SILEN  
HAWAIIAN DREDGING  
CONSTRUCTION CO, INC

SPECIAL APPOINTEE-BUILDER  
MARK KENNEDY  
HASEKO CONSTRUCTION  
MANAGEMENT GROUP, INC.

SPECIAL APPOINTEE-ASSOCIATE  
GARY T. OKIMOTO  
HONOLULU WOOD TREATING, LLC

IMMEDIATE PAST PRESIDENT  
RICHARD HOBSON, JR.  
GENTRY HOMES, LTD.

CHIEF EXECUTIVE OFFICER  
GLADYS MARRONE  
BIA-HAWAII

## 2016 DIRECTORS

ANTHONY BORGE  
RMA SALES

BEAU NOBMANN  
HPM BUILDING SUPPLY

DOUGLAS E. PEARSON  
CASTLE & COOKE HOMES  
HAWAII, INC.

CHRIS CHEUNG  
CC ENGINEERING &  
CONSTRUCTION, INC.

CLIFTON CRAWFORD  
C&J CONTRACTING, INC.

CURT KIRIU  
CK INDEPENDENT LIVING BUILDERS

DWIGHT MITSUNAGA  
DM PACIFIC, INC.

JACKSON PARKER  
D.R. HORTON, SCHULER DIVISION

JENNIFER ANDREWS  
COLDWELL BANKER PACIFIC  
PROPERTIES

MARK HERTEL  
INTER-ISLAND SOLAR SUPPLY,  
OAHU-MAUI-HAWAII-KAUAI

MARSHALL HICKOX  
HOMEWORKS CONSTRUCTION, INC.

SARAH LOVE  
BAYS LUNG ROSE & HOLMA

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 Committees on Public Safety, Intergovernmental, and Military Affairs, and Water, Land and Agriculture Friday, March 18, 2016 2:45 p.m. State Capitol - Conference Room 224

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

Dear Chairs Nishihara & Gabbard, Vice-Chairs Espero & Nishihara, and members of the Committees:

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 H.D. 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 H.D. 1.

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

March 18, 2016

**The Honorable Clarence K. Nishihara, Chair**

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

**The Honorable Mike Gabbard, Chair**

Senate Committee on Water, Land, and Agriculture

State Capitol, Room 224

Honolulu, Hawaii 96813

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

**HEARING: Friday, March 18, 2016 at 2:45 p.m.**

Aloha Chair Nishihara, Chair Gabbard, and Members of the Committees:

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, H.D.1 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.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [darakawa@lurf.org](mailto:darakawa@lurf.org)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 11:12:42 AM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<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 strongly supports HB 2617, HD1, which requires the counties to petition LUC to reclassify lands; and requires LUC to conduct the five year regional boundary change review. LURF respectfully urges your favorable consideration of this bill. Thank you for the opportunity to present testimony regarding this measure.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



**Testimony to the Senate Committee on Public Safety, Intergovernmental, &  
Military Affairs and Committee on Water, Land, & Agriculture  
Friday, March 18, 2016 at 2:45 P.M.  
Conference Room 224, State Capitol**

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

Chairs Nishihara and Gabbard, Vice Chairs Espero and Nishihara, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 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.

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.

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.





*Hawaii's Thousand Friends*

300 Kuulei Rd. Unit A #281 \* Kailua, HI 96734 \* Phone/Fax (808) 262-0682 E-Mail: [htff3000@gmail.com](mailto:htff3000@gmail.com)

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS, Chair

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

HB 2617 HD1

RELATING TO LAND USE

March 18, 2016

Aloha Chairs Nishihara and Gabbard, Vice Chairs Espero and Nishihara 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.

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 HD1 would allow land use designation changes and density increases without environmental review (Chapter 343) and cultural resources assessment.

This automatic approval requirement 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.

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, and greater public involvement before this extreme change is approved.

*Glenn I. Teves  
P.O. Box 261  
Kualapuu, Molokai, HI 96757*

March 18, 2016

TO: Senate Land WLU and PSM Committees  
FROM: Glenn I. Teves  
RE: Testimony in OPPOSITION TO HB 2617 HD1

Aloha. I'm in opposition to this bill to gut Land Use Commission, Office of State Planning and Office of Environmental Quality Control responsibilities and mandates that protects our island from poor planning, urban sprawl, gridlock, the conversion of arable agricultural land to other uses, and environmental degradation. An important maxim in the decision making process should be "If it's not broken, don't fix it!" We have enough broken things out there to keep the legislature very busy without undoing what took generations to deliberate and establish. We need more than one level of government, both state and county to make sound, righteous or PONO decisions, and this can be seen throughout our state in the form of poor planning.

Several years ago, the County of Maui made major changes to the Agricultural Ordinance in hopes of tightening up the law and controlling the proliferation of gentlemen's estates. Instead of enacting the law when review and input was completed, it waited a year, and in the process hundreds of acres of agricultural land slid through the gates and were converted into gentlemen's estates. This bad decision hasn't produced more agriculture or food for that matter.

This bill seems to want to produce the same result. There's a convoluted view that we have a lot of land and a lot of water, which goes hand in hand, yet we have finite resources that we cannot afford to squander. Many minds make a better decision, with a diversity of ideas. It's so easy to manipulate one level of government, so it's imperative that we have adequate checks and balances to ensure that we make good decisions not only for today and also tomorrow. We have an obligation to leave this place in a better condition than we found it, and this is the definition of sustainability. If we expect to sustain this place for generations to come, we have to start now by not undoing what brilliant minds took generations to create by listening to mediocre, self-serving ones. Thank you for this opportunity to respond.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [prentissc001@hawaii.rr.com](mailto:prentissc001@hawaii.rr.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Wednesday, March 16, 2016 4:16:19 PM

---

**HB2617**

Submitted on: 3/16/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<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.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [Karen@RedwoodGames.com](mailto:Karen@RedwoodGames.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 2:49:56 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Chun	Individual	Oppose	No

Comments: This developer-created bill is part of the ongoing effort to eliminate land use oversight and, in particular, the LUC, so that developers can just run wild. This would be particularly damaging on Maui with its Republican mayor who lets developers who donate to his campaign get away with ANYTHING.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [skaye@runbox.com](mailto:skaye@runbox.com)  
**Subject:** \*Submitted testimony for HB2617 on Mar 18, 2016 14:45PM\*  
**Date:** Thursday, March 17, 2016 2:51:40 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

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

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [pamelapcm@gmail.com](mailto:pamelapcm@gmail.com)  
**Subject:** \*Submitted testimony for HB2617 on Mar 18, 2016 14:45PM\*  
**Date:** Thursday, March 17, 2016 3:33:16 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela M Williams	Individual	Oppose	No

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [neilfrazer@icloud.com](mailto:neilfrazer@icloud.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 4:43:23 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Neil Frazer	Individual	Oppose	No

Comments: Aloha Representatives, Please kill this bill. It would "put the fox in charge of the henhouse" by eliminating the Land Use Commission's power to deny a county-initiated position for rezoning, and by allowing land use changes, and density increases, without environmental review or cultural resources assessment. Mahalo for your service to the people of Hawaii.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [burgharc@gmail.com](mailto:burgharc@gmail.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 5:48:20 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

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

Comments: My understanding: 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)

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [mmcardle19@aol.com](mailto:mmcardle19@aol.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 7:54:07 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peggy McArdle	Individual	Oppose	No

Comments: Expediting Hawaii land use issues with the bypassing of environmental and cultural concerns works against the letter and spirit of the Hawaii State Constitution. Exponential development, especially in the outer islands, will occur, if this measure is approved. Hawaii lands need protection, not exploitation.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [verno@hawaii.rr.com](mailto:verno@hawaii.rr.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 9:19:04 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vernon Hinsvark	Individual	Oppose	No

Comments: I oppose HB2617. We must retain the current safeguards in the current law. The counties have the ability to petition the LUC for changes. The LUC should maintain control of land use in order to ensure we do not lose our state assets to the control of local interests. The existing law allows for contested case hearings which are one more level of protection for our state assets. Please vote against HB2617.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [stephandjim@aol.com](mailto:stephandjim@aol.com)  
**Subject:** Submitted testimony for HB2617 on Mar 18, 2016 14:45PM  
**Date:** Thursday, March 17, 2016 10:13:29 PM

---

**HB2617**

Submitted on: 3/17/2016

Testimony for PSM/WLA on Mar 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie Austin	Individual	Oppose	No

Comments: Please do not support this measure

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)