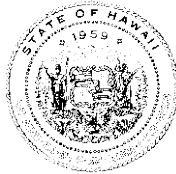


DAVID Y. IGE
Governor

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

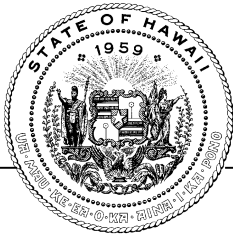
Statement of
Daniel E. Orodener
Executive Officer
Land Use Commission
Before the
Senate Committee on Judiciary and Labor
and
Senate Committee on Ways and Means
Wednesday February 24, 2016
10:00 AM
State Capitol, Conference Room 211

In consideration of
SB 2355 SD1
RELATING TO THE LAND USE COMMISSION

Chairs Keith-Agaran and Tokuda, Vice Chairs Shimabukuro and Dela Cruz, and members of the Committees on Judiciary and Labor; and, Ways and Means:

The Land Use Commission supports SB 2355 SD1 as it seeks to provide the Land Use Commission with much needed additional enforcement powers for district boundary amendments and special permits. We also support the proposed definition for “substantial commencement” added to section 205-4(g), Hawai'i Revised Statutes (HRS).

Thank you for the opportunity to testify on this matter. Specific suggested language is attached to this testimony.



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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
SENATE COMMITTEE ON JUDICIARY AND LABOR
SENATE COMMITTEE ON WAYS AND MEANS
Wednesday, February 24, 2016
10:00 AM
State Capitol, Conference Room 211

in consideration of
SB 2355 SD 1
RELATING TO THE LAND USE COMMISSION

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Senate Committee on Judiciary and Labor, and Chair Tokuda, Vice Chair Dela Cruz, and Members of the Senate Committee on Ways and Means.

The Office of Planning (OP) supports the intent of Senate Bill 2355, SD1. This bill would give the Land Use Commission (LUC) additional tools for enforcing the conditions or requirements of a land use district boundary amendment and special permit by allowing the LUC to impose fines, and amend, modify, or vacate conditions of these entitlements granted pursuant to Hawaii Revised Statutes (HRS) Chapter 205.

Currently, the LUC's only remedy for a failure to perform according to the conditions imposed, or the representations or commitments made by the petitioner, is the granting of an order to show cause pursuant to Hawaii Administrative Rules (HAR) § 15-15-93. The approved boundary amendment decision and order could then be subject to reversion, whereby the land is reverted to its former land use classification or changed to a more appropriate classification. In some cases, reversion is not the most appropriate mechanism for addressing violations and prevents the LUC and the parties from developing a more practical solution.

This bill provides the LUC with greater flexibility, beyond reversion, to enforce conditions and a more effective tool for ensuring that the interests of the State are protected.

Thank you for the opportunity to testify on this measure.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Judiciary and Labor
And Senate Committee on Ways and Means

Hearing: Wednesday, February 24, 2016 10 am
Conference Room 211

In Support of SB 2355 SD 1 Relating to the Land Use Commission

Chair Keith-Agaran, Chair Tokuda, Vice Chair Shimabukuro, Vice Chair Dela Cruz, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports SB 2355 SD 1 which authorizes the land use commission to amend, modify, or vacate boundary amendment approvals, special permit approvals, and conditions of direct state concern granted pursuant to chapter 205, Hawaii Revised Statutes, by motion of the commission or of any interested party; allows the land use commission to fine parties who fail to comply with conditions of direct state concern after they have been notified of violations of the conditions; and adds a definition for "substantial commencement" in section 205-4(g), HRS. (SD1)

SB 2355 SD 1 is needed to deter parties from violating conditions attached to land use reclassifications and other approvals.

The bill is fair and reasonable given the significant benefits a landowner receives from such reclassifications and approvals.

Large landowners and developers are often favored over the people in the land-use process. SB 2355 SD 1 addresses this reality and/or perception.

Furthermore, there are bills this session that seek to weaken or eliminate the Land Use Commission, which is supposed to represent the public and State's interest in land use and development matters.

Please protect the integrity of our land-use process by supporting SB 2355 SD 1.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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

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SB2355

Submitted on: 2/23/2016

Testimony for JDL/WAM on Feb 24, 2016 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
lucienne de naie	Individual	Support	No

Comments:

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SB2355

Submitted on: 2/23/2016

Testimony for JDL/WAM on Feb 24, 2016 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	No

Comments:

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SB2355

Submitted on: 2/23/2016

Testimony for JDL/WAM on Feb 24, 2016 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
sally kaye	Individual	Support	No

Comments:

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