

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 WATER AND LAND
Wednesday, March 1, 2017
11:00 AM
State Capitol, Conference Room 325

in consideration of
HB 329
RELATING TO LAND USE.

Chair Yamane, Vice Chair Kong, and Members of the House Committee on Water and Land.

The Office of Planning (OP) offers the following comments on HB 329. HB 329 would amend Hawaii Revised Statutes (HRS) § 205-18, Periodic Review of Districts, to allow the counties to submit their general plans to the State Land Use Commission (LUC) for review, and to request district boundary amendments for lands designated for urban, rural, agricultural, and conservation uses in conformance with their general plans.

OP supports the concept of regional district boundary amendments that arise from the recommendations of a periodic comprehensive update of county plans or the State's five-year boundary review conducted pursuant to HRS § 205-18. However, 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 in current LUC rules. 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.

OP offers the following comments for your consideration:

- The adoption of county plan-based boundary amendments would be facilitated if accomplished pursuant to a set of rules tailored to this particular type of petition. Separate rules for the submittal and conduct of regional boundary amendments would provide greater clarity and certainty to all parties as to the content and procedural requirements for such a petition, and provide the necessary safeguards to ensure that the State's obligations under the State Constitution and State agency and community interests are addressed in the process. A provision for LUC rule-making to provide for a regional, multi-parcel or plan-based boundary amendment process would be an important element in the bill.

- The authority to use a regional, multi-parcel process should be expanded to the State as well, to enable the Office of Planning to also use the multi-parcel boundary amendment process pursuant to the periodic boundary review.
- There is a variability among the counties in terms of which plan sets forth the adopted land use policy map for a county, island, or region. Thus, the language should either reference all variants—general plan, development plan, community/sustainable community plan, island plan—or use a generic phrase, such as county plans that set forth the adopted land use policy map for a county, island, or region.

Thank you 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. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Water and Land
Wednesday March 1, 2017
11:00 AM
State Capitol, Conference Room 325

In consideration of
HB 0329
RELATING TO LAND USE

Chair Yamane, Vice Chair Kong, and members of the Committee on Water and Land:

The Land Use Commission supports this measure which would allow the counties to submit their adopted general plans to the Commission for review and request district boundary amendments in conformance with their general plans. These proposed boundary amendments based on adopted county general plans would be required to follow section 205-4, Hawai'i Revised Statutes (HRS), which insures that State interests, public trust and due process issues would be addressed.

The measure would create a need for the LUC to develop rules and procedures to handle such submissions. These additional obligations are one of the reasons the LUC needs the additional staff position requested in the Governor's budget.

Thank you for the opportunity to testify on this matter.



HB329
RELATING TO LAND USE
Committee on Water and Land

March 1, 2017

11:00 a.m.

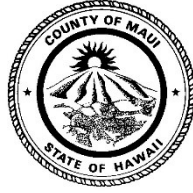
Room 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB329. HB329 would authorize the counties to petition the Land Use Commission (LUC) for large-scale boundary amendments in accordance with the petitioning county's general plans. Large-scale boundary amendments may overburden the LUC) and affect the adequacy and effectiveness of its review.

OHA is concerned that an approval process that considers large-scale boundary amendments for non-contiguous and potentially sizeable areas of land at a single time may not adequately protect the constitutionally recognized traditional and customary rights of Native Hawaiians. In *Ka Pa'akai*, the Hawai'i Supreme Court stated that the LUC must at a minimum make specific findings and conclusions as to 1) the identity and scope of "valued, cultural, historical, or natural resources," 2) the extent to which those resources – including Native Hawaiian traditional customary rights – will be affected, and 3) the feasible action that the LUC can take to reasonably protect Native Hawaiian rights. Through the *Ka Pa'akai* analysis, the LUC makes specific findings and is able to place conditions on district boundary amendments to mitigate impacts to Native Hawaiian traditional and customary practices and the resources they rely upon. HB329 would create a process where the LUC would be reviewing county general plans. The size and scope of approving large-scale boundary amendments according to a county general plan has the potential to draw an overwhelming number of interested parties, especially considering the seemingly ubiquitous nature of Native Hawaiian cultural and historical resources located throughout the Hawaiian Islands. As such, the LUC may be unable to adequately assess the potential impact of the county's desired zoning on the valued, cultural, historical, or natural resources of specific locations. Moreover, it may be difficult for the LUC to considering specific mitigation measures, or review the county general plan and the extent to which those resources, including Native Hawaiian traditional customary rights, will be affected.

Mahalo for the opportunity to testify on this measure.

ALAN M. ARAKAWA
MAYOR



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E-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR
Ke`ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

February 24, 2017

TESTIMONY OF ALAN M ARAKAWA
MAYOR
COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON WATER & LAND

Wednesday, March 1, 2017
11:00AM Conference Room 325

HB329 RELATING TO LAND USE.

Honorable Ryan I. Yamane, Chair
Honorable Sam Satoru Kong, Vice Chair
Honorable Members of the House Committee on Water & Land

Thank you for this opportunity to testify in **SUPPORT** of HB329.

The purpose of this bill is to allow counties to submit their general plans to the state LUC for review and to request land use boundary amendments in conformance with those plans.

All of the counties are struggling to provide housing for their residents, particularly anything in the affordable range. There are a number of hurdles to providing housing, but one of the biggest is our dual land entitlement system where approvals must come at both state and local levels after long and inefficient processes.

On a state level, the Land Use Commission does no comprehensive planning or approvals, but conducts project reviews, one application at a time. The process is time-consuming, very expensive and inefficient. In addition, comprehensive boundary review is already codified in HRS 205-18, requiring that all state boundaries be reviewed every five years, but this has only happened three times since 1985.

HB 329 could provide an additional avenue to allow a more comprehensive review of state boundaries upon the initiative of the counties. The counties have grown in planning sophistication and through their general plan processes, they know where they want to grow, and where they do not. If passed, HB 329 still requires oversight by the Land Use Commission, but could greatly lessen the time and expense needed to entitle land.

For these reasons, I strongly support HB329.

Respectfully yours,

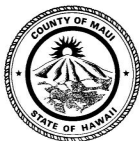
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Mayor

Council Chair
Mike White

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Councilmembers
Alika Atay
Elle Cochran
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Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



Director of Council Services
Sandy K. Baz

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 27, 2017

TO: The Honorable Ryan Yamane, Chair
House Committee on Water and Land

FROM: Mike White
Council Chair

A handwritten signature in black ink, appearing to read "Mike White", is written over the printed name and title.

SUBJECT: **HEARING OF MARCH 1, 2017; TESTIMONY IN SUPPORT OF HB 329,
RELATING TO LAND USE**

Thank you for the opportunity to testify in **support** of this measure. The purpose of this measure is to allow counties to submit general plans to the state Land Use Commission for review and to request land use district boundary amendments in conformance with those plans.

This measure is included the 2017 Maui County Council legislative package. Therefore, I submit this testimony on behalf of the Maui County Council.

I support this measure for the following reasons:

1. State law requires counties to adopt general plans and update them on a regular basis, but there is no specific provision for the counties to seek district boundary amendments for lands identified for reclassification in updated general plans.
2. Allowing the counties to petition the State Land Use Commission for regional district boundary amendments needed after adoption of updates to county general plans would ensure that recommendations made in the plan are processed in an orderly, efficient, and timely manner.
3. Maui County is in the process of updating its community plans. This measure will help streamline the daunting process involved, promote efficiency in government and save taxpayer dollars.

Mahalo for your consideration.

For the foregoing reasons, I **support** this measure.

ocs:proj:legis:17legis:17testimony:hb329_mkz

waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 9:00 AM
To: waltestimony
Cc: yukilei.sugimura@mauicounty.us
Subject: *Submitted testimony for HB329 on Mar 1, 2017 11:00AM*

HB329

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325



Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Yuki Lei Sugimura	Individual	Support	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.

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 | 808-733-7060
 | 808-737-4977

 | 1259 A'ala Street, Suite 300
Honolulu, HI 96817

March 1, 2017

The Honorable Ryan I. Yamane, Chair

House Committee on Water & Land

State Capitol, Room 325

Honolulu, Hawaii 96813

RE: H.B. 329, Relating to Land Use

HEARING: Wednesday, March 1, 2017, at 11:00 a.m.

Aloha Chair Yamane, Vice Chair Kong, and Members of the Committee.

I am Myoung Oh, Director of Government Affairs, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 9,200 members. HAR **supports** H.B. 329 which allows counties to submit their general plans to LUC for review and to request land use boundary amendments in conformance with those plans.

The Land Use Commission (LUC) was created in 1961 to address the need for a more comprehensive assessment of rezoning lands in the state. There was a need to ensure that there were adequate municipal facilities and infrastructure available to support any urbanization of lands in each county. While the LUC served this purposes in the years and decades following statehood, counties have also improved and, in some instances, surpassed the LUC in matters dealing with urban planning.

H.B. 329 will allow Counties to lead the effort in identifying areas of urban expansion and amendments to their own development/community plans. The LUC's role will be to review the proposed changes in light of broader state concerns such as public schools, protection of watersheds, and insure sufficient sources of water to support the planned growth.

The process will provide more certainty in the land use entitlement process and identify areas of planned growth to address our housing supply crisis.

Mahalo for the opportunity to testify in support of this measure.





**Testimony to the House Committee on Water and Land
Wednesday, March 1, 2017 at 11:00 A.M.
Conference Room 325, State Capitol**

RE: HOUSE BILL 329 RELATING TO LAND USE

Chair Yamane, Vice Chair Kong, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** HB 329, which allows counties to submit their general plans to LUC for review and to request land use boundary amendments in conformance with those plans.

This bill is similar to HB 517 which authorizes the counties to petition the land use commission for regional boundary amendments required by the adoption of the county general plan or development plans, and requires the land use commission to conduct the 5-year boundary review.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,600+ 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.

Both bills would address a glaring problem in Hawaii's land use entitlement process. The Land Use Commission was initially created in 1961 a few years after Statehood to address the need for a more comprehensive assessment of rezoning lands in the state. There was a need to insure that there were adequate municipal facilities and infrastructure available to support any urbanization of lands in each county. While the Land Use Commission (LUC) served this purposes in the years following statehood, the counties have improved and, in some instances, surpassed the LUC in matters dealing with urban planning.

The Counties amendments to their development plans and community plans provide a "grass roots" approach to identifying future areas of urban expansion to accommodate projected growth in each county. The process is inclusive and transparent, and affords the public and other interested parties with ample opportunity to express their views in support or in opposition to proposed changes.

The proposed bill will allow the Counties to lead the effort in identifying areas of urban expansion. The LUC's role will be to review the proposed changes in light of broader state concerns such as public schools, protection of watersheds, and insure sufficient sources of potable water are available to support the planned growth.



Chamber *of* Commerce HAWAII

The Voice of Business

The process will provide more certainty in the land use entitlement process and identify areas of planned growth to address our housing supply crisis.

We appreciate the opportunity to provide our input on this important legislation.

kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 9:57 AM
To: waltestimony
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for HB329 on Mar 1, 2017 11:00AM*

HB329

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

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**HB 329
RELATING TO LAND USE**

**PAUL OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

MARCH 1, 2017

Chair Yamane and Members of the House Committee on Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 329, “A BILL FOR AN ACT RELATING TO LAND USE.” We support this bill.

This bill includes provisions to authorize the Counties to submit their General Plans to the Land Use Commission and request district boundary amendments in accordance with those plans.

We believe that this bill will enhance efficiencies and lessen duplication between the State and the Counties in land use planning. Clear lines of responsibility for land use decision making will be established, with the collaborative land use planning system established by this bill. With the Counties presently equipped with land use planning systems and procedures along with numerous opportunities for public participation and input, this bill will further empower the Counties with the overall responsibility and authority to assess and fashion land use planning decisions for the future.

Based on the aforementioned, we respectfully request your favorable consideration on this bill. Thank you for the opportunity to testify.

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ALAN TWU
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WAIPAHU, HAWAII 96797-0967

PHYSICAL:
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WAIPAHU, HAWAII 96797

Testimony to the House Committee on Water & Land
Wednesday, March 1, 2017
11:00 am
Conference Room 325

RE: HB 329 – Relating to Land Use

Chair Yamane, Vice-Chair Kong, and members of the committee:

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for people in Hawaii.

BIA-HAWAII is in strong support of H.B. 329, which allows counties to submit their general plans to LUC for review and to request land use boundary amendments in conformance with those plans. This bill is similar to H.B. 517, which authorizes the counties to petition the land use commission for regional boundary amendments required by the adoption of the county general plan or development plans.

Both bills would address a glaring problem in Hawaii's land use entitlement process. The Land Use Commission was initially created in 1961 a few years after Statehood to address the need for a more comprehensive assessment of rezoning lands in the state. There was a need to ensure that there were adequate municipal facilities and infrastructure available to support any urbanization of lands in each county. While the Land Use Commission (LUC) served this purposes in the years following statehood, the counties have improved and, in some instances, surpassed the LUC in matters dealing with urban planning.

The Counties amendments to their development plans and community plans provide a "grass roots" approach to identifying future areas of urban expansion to accommodate projected growth in each county. The process is inclusive and transparent, and affords the public and other interested parties with ample opportunity to express their views in support or in opposition to proposed changes.

The proposed bill will allow the Counties to lead the effort in identifying areas of urban expansion. The LUC's role will be to review the proposed changes in light of broader state concerns such as public schools, protection of watersheds, and ensure sufficient sources of potable water are available to support the planned growth.

The process will provide more certainty in the land use entitlement process and identify areas of planned growth to address our housing supply crisis.

We strongly support H.B. 329. We appreciate the opportunity to provide our input on this important legislation.



March 1, 2017

House Committee on Water and Land
State Capitol - Conference Room 325
Hawaii State Capitol
415 South Beretania Street, Conference Room 229
Honolulu, Hawaii 96813

Dear Chair Yamane and Vice Chair Kong, and members of the committee:

Subject: HOUSE BILL NO. 329 RELATING TO LAND USE

My name is Dean Uchida, President Elect off the Building Industry Association of Hawaii (BIA-Hawaii). BIA-Hawaii is speaking out for the future home buyers in the State, who unfortunately, do not have an organized voice to raise concerns about increases to the price of housing in Hawaii. We are in strong support of H.B. 329 which allows counties to submit their general plans to LUC for review and to request land use boundary amendments in conformance with those plans.

The bill would address a glaring problem in Hawaii's land use entitlement process. The Land Use Commission was initially created in 1961 a few years after Statehood to address the need for a more comprehensive assessment of rezoning lands in the state. There was a need to insure that there were adequate municipal facilities and infrastructure available to support any urbanization of lands in each county.

The need for State LUC oversight has diminished over the years since the Counties established a process for all amendments to their development plans and community plans. This process provides a "grass roots" approach to identifying future areas of urban expansion to accommodate projected growth in each county. The process is inclusive and transparent, and affords the public and other interested parties with ample opportunity to express their views in support or in opposition to proposed changes.

The proposed bill will allow the Counties to lead the effort in identifying areas of urban expansion. The LUC's role will be to review the proposed changes in light of broader state concerns such as public schools, protection of watersheds, and insure sufficient sources of potable water are available to support the planned growth. The process will provide more certainty in the land use entitlement process and identify areas of planned growth to address our housing supply crisis.

We strongly support H.B. 329. We appreciate the opportunity to provide our input on this important legislation.

Mahalo,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida
Strategic Services Group

LATE



P.O. Box 757
Kailua, HI 96734
Ph. (808) 263-4900
Fax (808) 263-5966
www.ccs-hawaii.com

February 28, 2017

**Testimony to the House Committee on Water & Land
Wednesday, March 1, 2017
11:00 am
Conference Room 325
RE: HB 329 – Relating to Land Use**

Chair Yamane, Vice-Chair Kong, and members of the committee:

I am Greg Thielen, President and RME of Complete Construction Services. I am a Small Business Owner and have over 25 years' experience in the Construction Industry. I am also a Past President of BIA Hawaii and serve as the National Area Chair for Hawaii and California for the National Association of Home Builders.

I strongly **SUPPORT** H.B. 329, which allows counties to submit their general plans to LUC for review and to request land use boundary amendments in conformance with those plans. This bill is similar to H.B. 517, which authorizes the counties to petition the land use commission for regional boundary amendments required by the adoption of the county general plan or development plans.

Both bills will reduce the ridiculously long timelines housing projects must currently go through by reducing duplicative State and County reviews as well as reducing potential time consuming litigation.

Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Thielen', is written over a white background.

Greg Thielen
President/RME



LATE

Testimony before the
House Committee on Water & Land

H.B. No. 329 – Relating to Land Use

STRONG OPPOSITION

By Albert Perez
Executive Director
Maui Tomorrow Foundation, Inc.

Chair Yamane, Vice-Chair Kong and Members of the Committee:

The Maui Tomorrow Foundation supports good planning in order to preserve the quality of life for our residents and visitors. We believe the current system, wherein the Land Use Commission is able to focus on the details of each proposed land use change, is working well. We therefore **strongly oppose** HB329, which would consolidate review of proposed land use district boundary amendments for potentially hundreds of parcels into a single action. The Land Use Commission would not be able to give the appropriate level of attention to such a voluminous request.

Section 1 of the bill notes that “each of the counties has developed modern planning departments with capable professionals able to not only prepare detailed plans, but to follow through with implementing them.” In theory, this could be true. Unfortunately, it really depends on the county in question. For example, under the current Maui County administration, the planning department in Maui County has neglected implementation of these county level general plans, with the result that the hundreds of hours and millions of dollars spent on developing the general plans are at risk of having been wasted.

In Maui County, the amount of land that has been designated for development in its general plan far exceeds the amount needed for urban development in the foreseeable future. In addition, the county administration has repeatedly attempted to interpret HRS 46-4 in a manner that turns the relationship of general plans and zoning on its head. This has resulted in creation of a huge number of nonconforming uses that the

planning department has used to create alarm among property owners in its attempts to get support to codify (at the County level) the supremacy of zoning over the general plan.

Passage of HB 329 would give too much power to the counties, which have a bias toward urbanization. The Land Use Commission, through its thorough deliberation, has the ability to make sure that our limited land area in Hawai`i is used wisely.

For these reasons, we respectfully request that you reject HB 329.

Mahalo for the opportunity to comment.

kong2 - Crystal

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 11:25 AM
To: waltestimony
Cc: robert.carroll@mauicounty.us
Subject: Submitted testimony for HB329 on Mar 1, 2017 11:00AM

HB329

Submitted on: 2/28/2017

Testimony for WAL on Mar 1, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
robert carroll	Individual	Support	No

Comments: I support this measure for reasons cited in testimony provided by Maui County Council Chair Mike White.

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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