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Lieutenant Governor

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

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Statement of  
**Daniel E. Orodenker**  
**Executive Officer**  
Land Use Commission  
Before the  
**Senate Committee on Water and Land**  
Friday February 3, 2017  
2:45 PM  
State Capitol, Conference Room 224

In consideration of  
**SB 1136**  
**RELATING TO THE LAND USE COMMISSION**

Chair Rhoads, Vice Chair Gabbard, and members of the Committee on Water and Land:

The Land Use Commission (LUC) supports this initiative as it is consistent with our priorities requested in the Executive Budget.

The Planner IV position is necessary to pro-actively ensure compliance with LUC decisions and orders before they become matters of concern and give rise to lawsuits or are beyond the LUC's ability to enforce. Currently, we do not have the staff to adequately review annual reports and investigate whether or not developers have complied with conditions of re-districting placed on them by the LUC. Reports are filed with cross-checking them against decisions or conditions contained in our docket files.

Significantly, in the course of reviewing and granting petitions for re-districting, the LUC is tasked with protecting the public welfare in a number of areas under the public trust doctrine and to protect Native Hawaiian rights and assets. In addition, there are federal and State environmental laws that require action on the part of the LUC. The LUC therefore attaches conditions to its decisions to allow the re-districting of land to Urban or Rural designations from Agriculture. These conditions are only enforceable by the LUC prior to substantial commencement of construction of a project. Developers are required to report on activity annually or semi-annually to ensure compliance. Currently, the LUC receives several reports a week from developers.

As the LUC does not have the current capacity to review the reports for compliance or to investigate any perceived non-compliance; the LUC often does not become aware of violations until substantial commencement has occurred or after the issue has become the subject of lawsuits and motions before the Commission. The requested Planner IV position will allow the

LUC to monitor compliance and act to head off non-compliance issues before they become a threat to the public or result in lawsuits that could derail needed housing projects or result in significant costs and delays that impact housing affordability.

Thank you for the opportunity to testify on this matter.



**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 Water and Land  
By the Conservation Council for Hawai'i  
Hearing: Wednesday, February 3, 2017 2:45 pm  
Room 224

Support for SB 1136 Relating to the Land Use Commission

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i supports SB 1136, which appropriates funds for the land use commission to establish a planner IV full-time equivalent (1.0 FTE) position to monitor and ensure compliance of any conditions required by the land use commission regarding land use within the four major land use districts.

Does this bill mean that there are no such planners monitoring LUC conditions at this time? Surely not.

Please protect our land and the integrity of our land-use process. Pass SB 1136.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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