

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
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TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON WATER AND LAND AND HOUSING

FEBRUARY 6, 2020  
1:45 P.M.  
CONFERENCE ROOM 225

SENATE BILL NO. 2620  
RELATING TO LAND USE

Chairpersons Kahele and Chang and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2620. This measure seeks to authorize the counties to process petitions for Agricultural District boundary amendments greater than 15 acres but not more than 30 acres provided that at least 60 percent of the acreage to be developed in affordable housing. The Department of Agriculture offers comments and a recommendation.

This measure establishes affordable housing as a priority activity for consideration within the State Land Use Law. Senate Bill 3104 that was just heard before your committees makes a similar amendment to that found in Senate Bill 2620 but with an acreage cap of 25 acres. The Department offers the following amendment to forestall unanticipated erosion of the prime agricultural land base by otherwise well-intentioned legislation.

Page 2 lines 8-12

New language is bold text and bold underline

" (2) Land areas **not designated as important agricultural land or with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B and** greater than fifteen acres but no more than thirty acres if the land areas are proposed for reclassification to the urban district and at least sixty per cent of the land



areas will be dedicated for the development of affordable housing; and"

Thank you for the opportunity to testify on this measure.



**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lieutenant Governor

**MIKE MCCARTNEY**  
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

**RASMI AGRAHARI**  
Planner

**FRED A. TALON**  
Drafting Technician

Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
State Land Use Commission

Before the  
**Senate Committees on**  
**Housing**  
**and**  
**Water and Land**

Thursday February 6, 2020  
1:45 PM  
State Capitol, Conference Room 225

In consideration of  
**SB 2620**  
**RELATING TO LAND USE**

Chairs Chang and Kahele; Vice Chairs Kanuha and Keith-Agaran; and members of the Senate Committees on Housing; and, Water and Land:

The Land Use Commission (LUC) provides comments on SB2620 intended to make changes to promote the development of affordable housing. Under the current statutory language (HRS §§201H-38 and 205-4) the LUC is required to review and act upon boundary amendments over 15 acres for affordable housing projects within 45 days. The LUC has consistently met this expedited time frame in its approval of all §201H-38 affordable housing projects that have come before it.

The LUC strongly prefers the language proposed in SB3104 that makes similar changes while also providing a disincentive to parceling of lands.

The LUC provides the following comments on SB2620:

Section 1. The broad language in the proposed amendment to add subsections HRS §§205-3.1(a)(2) and (b)(2) that appear to allow any party, state or county agency, to seek reclassification of any lands so long as they are between 15 to 30 acres in size and the boundary change involves an action where at least 60 percent of the land is for affordable housing. We

believe the language proposed in these subsections may create an internal legal conflict with the rest of the section and pose problems in implementation and enforceability.

Thank you for the opportunity to testify on this matter.



**SB2620**  
RELATING TO LAND USE  
Senate Committee on Water and Land  
Senate Committee on Housing

February 6, 2020

1:45 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees **OPPOSE** SB2620, which would shift State Land Use Commission (LUC) oversight to the counties for District Boundary Amendments (DBAs) for rural and non-important agricultural land (IAL) agricultural lands between 15 to 30 acres if (1) the land areas are proposed for reclassification to the urban district and (2) at least 60% of the land areas would be dedicated for affordable housing development. Although OHA appreciates this bill's intention to provide affordable housing for Hawai'i residents, as written, **SB2620 would not provide a solution to affordable housing development delays and instead substantially impair the LUC's ability to consider and mitigate impacts to natural and cultural resources and associated Native Hawaiian traditional and customary practices.** Should the Committees choose to move SB2620 OHA respectfully urges the Committees to consider amendments that will decrease the likelihood for potential parceling like the language found in SB3104.

The LUC was created nearly 60 years ago, when the Hawai'i State Legislature determined that a lack of adequate controls had caused the development of Hawai'i's limited and valuable lands "for short-term gain for the few while resulting in long-term loss to the income and growth potential of our State's economy."<sup>1</sup> Some of the key reasons for the LUC's creation were the development of scattered subdivisions creating problems of expensive yet reduced public services, and the conversion of prime agricultural land to residential use.<sup>2</sup> **With ever-growing development pressure by speculators and land investment corporations, the needs and concerns that gave rise to the establishment of the LUC may be of even greater consequence today than they were nearly 60 years ago.**

Today, the Commission "is responsible for preserving and protecting Hawai'i's lands and encouraging those uses to which lands are best suited."<sup>3</sup> LUC DBA review accordingly entails an analysis of various environmental, cultural, and socioeconomic impacts and the identification of feasible conditions to mitigate such impacts, areas in

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<sup>1</sup> State of Hawai'i Land Use Commission website, History, last accessed on Feb. 4, 2020, available at <https://luc.hawaii.gov/about/history-3/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

which the LUC has particular expertise and institutional knowledge. Notably, LUC decision-making criteria include, in particular, the “maintenance of valued cultural, historical, or natural resources,” taking into consideration: “(1) the identity and scope of ‘valued cultural, historical, or natural resources’ in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; (2) the extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the (agency) to reasonably protect native Hawaiian rights if they are found to exist.”<sup>4</sup> **In many cases, such LUC review may also be the only opportunity for Native Hawaiians to assert their constitutionally-protected traditional and customary rights with respect to development proposals, in a government forum intended and designed to meaningfully address their concerns.**

Currently, the LUC oversees DBAs for (1) lands within conservation districts (regardless of acreage), (2) lands designated (or sought to be designated) as important agricultural lands (regardless of acreage), and (3) lands greater than 15 acres in the agricultural, rural, and urban districts. County authorities already enjoy decision-making authority over DBAs for lands comprising up to 15 acres in the (non-IAL) agricultural, rural, and urban districts – for comparison purposes, 15 acres is roughly equal to about 11.5 football fields worth of land. By further eliminating the LUC’s authority over DBAs involving rural and non-IAL agricultural lands between 15 to 30 acres, **this measure may undermine critical procedural mechanisms and substantive safeguards that represent one of the few means by which natural and cultural resources and their associated Native Hawaiian traditional and customary practices are protected in land use decision-making.**

Notably, the loss of the LUC’s careful and comprehensive consideration of the needs of and impacts to both Native Hawaiians and the State generally would not be balanced by any marginal benefit gained in the production of truly affordable housing units most needed by Hawai’i residents. **No data or other factual information suggests that the LUC review process contributes to delays in housing development timelines.** In fact, the LUC consistently decides on HRS Chapter 201H affordable housing projects within its designated “fast-track” 45-day allowance period. The median timeframe for all LUC DBA decision-making between 1995 and 2014 was approximately 14 months, compared to 24 months for the development of necessary infrastructure and facilities.<sup>5</sup> Indeed, between 2010 to 2017, the LUC approved seven housing-related petitions proposing 9,389 housing units, with an estimated 3,675 of those units being reserved as affordable; over the past two decades, **the LUC has already approved DBAs on O’ahu to develop roughly 23,000 residences that have not yet been built due to other delays, such as water and sewer infrastructure capacity.** The few actual instances of “substantial delays” in final LUC decision making have been infrequent, and generally occurred only for projects involving significant land use policy conflicts.

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<sup>4</sup> *Ka Pa’akai o ka ‘Āina v. Land Use Commission*, 94 Haw. 31 (2000).

<sup>5</sup> THE STATE LAND USE TASK FORCE, STATE LAND USE SYSTEM REVIEW DRAFT REPORT III (2015).

Finally, OHA notes that the significant increase from 15 acres to 30 acres may incentivize parceling by large landowners. OHA notes that language in SB3104 may be informative to decrease the likelihood of that occurring.

Accordingly, OHA urges the Committees to **HOLD** SB2620 for the reasons provided above. Mahalo nui loa for the opportunity to testify on this measure.

**SB-2620**

Submitted on: 2/5/2020 4:43:55 PM

Testimony for WTL on 2/6/2020 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Duane Hosaka	Testifying for Office of Housing and Community Development	Support	No

Comments:

Sen. Kaiali'i Kahele

Chair, Water and Land Committee

State Capitol, Room 213

415 South Beretania Street  
Honolulu, Hawai'i 96813

Chair Kahele:

Re: Senate Bill No. 2620

The Office of Housing and Community Development humbly supports Senate Bill No. 2620 (SB2620), which proposes to give the counties decision-making authority to change the state land use classification of lands no more than 30 acres into the Urban District as long as 60 percent of the lands are dedicated for the development of affordable housing.

In 1997, the Legislature declared that two of the most critical issues facing the people of Hawai'i were housing affordability and availability; and implementing "...an integrated, rather than a fragmented ...effort" to cope with the multitude of problems to developing affordable housing.



Among the identified causes of the high cost of housing was added government regulation, which was attributed to the lack of coordination of housing development efforts among government agencies at all levels. SB2620 proposes to address part of this problem.

Very Truly Yours,

/s/ Duane Hosaka

DUANE HOSAKA

Housing Administrator



**SENATE COMMITTEE ON HOUSING, AND WATER AND LAND  
State Capitol, Conference Room 225  
415 South Beretania Street  
1:45 PM**

February 6, 2020

RE: SENATE BILL NO. 2620, RELATED TO LAND USE

Chairs Chang and Kahele, Vice Chairs Kanuha and Keith-Agaran, and members of the committees:

My name is Dwight Mitsunaga, 2020 President 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 the people of Hawaii. Our members build the communities we all call home.

**BIA Hawaii is in strong support of S.B. 2620**, which proposes to authorize county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen but no more than thirty acres in the urban district without consideration of the land use commission if at least sixty percent of the land is used to develop affordable housing.

Addressing the duplicative land use entitlement process by allowing agencies to petition the counties is a step in the right direction. The counties are essentially the "urban planners" and are responsible for identifying areas of growth needed on each island. The counties should be responsible for planning for their own growth.

We appreciate the opportunity to provide our comments on this matter.



# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the Senate Committees on Housing and Water and Land  
Thursday, February 6, 2020 at 1:45 P.M.  
Conference Room 225, State Capitol**

**RE: SB 2620, RELATING TO LAND USE**

Chairs Chang and Kahele, Vice Chairs Kanuha and Keith-Agaran, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 2620, which proposes to authorize county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen but no more than thirty acres in the urban district without consideration of the land use commission if at least sixty percent of the land is used to develop affordable housing.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ 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.

Addressing the duplicative land use entitlement process by allowing agencies to petition the counties is a step in the right direction. The counties are the urban planners and are responsible for identifying areas of growth needed on each island. Through this bill, the counties would be responsible for planning for their own growth.

Thank you for the opportunity to provide testimony in support of SB 2620.



## *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)

February 6, 2020

### COMMITTEE ON HOUSING

Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair  
Committee Members

### COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair  
Senator Gilbert S C. Keith-Agaran, Vice Chair  
Committee Members

SB 3104 RELATING TO LAND DEVELOPMENT  
SB 2620 RELATING TO LAND USE

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law, opposes SB 3104 and SB 2620 that grants authority to the counties, instead of the Land Use Commission, to amend Conservation and Agriculture district boundaries up to thirty acres to the Urban district.

The Hawai'i State Land Use Law was passed in 1961 because that first legislature determined that a lack of adequate controls had caused the development of Hawai'i's limited and valuable land for short-term gain and development of scattered subdivisions, created problems of expensive public services and the conversion of agricultural land to residential use.

The Land Use Commission (LUC) was created to administer the law, protect the states interests and ensure that areas of state concern – historic, cultural and archeological preservation, protection of native flora and fauna, impacts on farming operations, protection of water resources and forest areas are considered in the reclassification decision-making process.

The existing fifteen acre exemption for agricultural land administered by the counties promotes urban sprawl by allowing land to be used for urban development without regard for location, availability and proximity to infrastructure, impacts on the environment, historic and archeological sites and native flora and fauna and hampers the state's ability to protect agricultural land and farming activities. Just imagine what thirty acre carve outs would do.

Housing development should not take agricultural land but follow the smart growth principles of planned community development that curbs urban sprawl, directs development towards existing communities, preserves the environmental, open space, and farmland.

Giving counties the authority to rezone Agricultural and Conservation designated land reduces public participation by eliminating the public's opportunity to protect their community and natural and cultural resources through the Land Use commission contested case process.

We urge you to protect Hawai'i's finite agricultural and conservation lands and fragile natural and cultural resources by holding SB 3104 and SB 2620 in committee.



**Young Progressives Demanding Action**  
**P.O. Box 11105**  
**Honolulu, HI 96828**  
**action@ypdahawaii.org**

Chair(s) Stanley Chang & Kaiali‘i Kahele  
Vice Chair(s) Dru Kanuha & Gilbert Keith-Agaran

Senate Committee on Housing  
Senate Committee on Water and Land

Thursday, February 6, 2020  
1:45 PM

**TESTIMONY IN OPPOSITION TO SB2620 RELATING TO LAND USE**

Aloha Chair(s) Chang & Kahele, Vice Chair(s) Kanuha & Keith-Agaran, Members of the Senate Committee on Housing and Senate Committee on Water and Land,

Young Progressives Demanding Action advocates for public policies that reflect the values of young people throughout the State of Hawai‘i. YPDA is in **opposition** to **SB2620**, Relating to Land Use.

We are concerned with the bill authorizing county land use decision-making authorities to amend district boundaries involving land areas 15-30 thirty acres in the urban district without consideration of the land use commission if at least sixty per cent of the land is used to develop affordable housing.

This bill streamlines the zoning revision process going forward, if some “affordable housing” is built as a result. It portrays these changes as justified due to the increased “affordable housing” supply that will result. The term “affordable” in the bill is not accurate however. Homes sold for more than \$850,000 or rented for more than \$4,000 per month would qualify as “affordable”, under this bill’s definition. Less than 10% of households in Hawaii would be able to afford these \$850,000+ units.

As a result, this bill streamlines the regulatory process to allow for more luxury units to be built for the benefit of the few. Using the term “affordable” as a marketing term to help sell this streamlining plan is incredibly dishonest. Without this bill passing, zoning changes can still be made to provide the opportunity for actual affordable housing to be built with or without the proposed streamlining process. Zoning changes can be made in a deliberative manner that is done in the best interest of the local residents.

As well as this, compared to the regular procedure of responding to district boundary amendment petitions within 365 days after filing, affordable housing projects under Section 201H of the Hawai‘i Revised Statutes are streamlined significantly, giving the Land Use Commission 45 days to respond after filing. So, a streamlined process for affordable housing exists. The LUC has noted this hasn’t hindered approval of projects in previous testimonies to the legislature.<sup>1</sup> The Land Use Commission is not the problem here. With a lesser time to make decisions, we should be more focused on how to make sure more accountability is happening.

The Land Use Commission is required to follow a set of important criteria when it comes to reviewing district boundary amendment petitions that are in line with the Public Trust Doctrine, this oversight is very important. The LUC looks at how the protection and preservation of natural, cultural, or historical resources that are important, valued, and an integral part of the economy are impacted by these petitions.

Removing LUC authority would remove important safeguards. It would remove much needed expertise that would allow for these resources as well as traditional and customary practices to be protected for the utilization and enjoyment of present, and future generations. This would ultimately mean that the Counties would be the ones putting in the extra time and resources to have the hard task of not only maintaining public trust responsibilities, but ensure that legal obligations are met. With the loss of expertise and the lack of proper resources, there is another big problem. A LUC member has a different standard of transparency than a member of a County Council. An LUC member can’t meet with a developer to have a chat on that particular development and County Council members are allowed to receive campaign contributions from developers even when making decisions that affect that developer.

The Land Use Commission is an important body for public participation. LUC’s procedure allows for parties to have both advanced notice and their legal right to due process, which allows for these parties to have the opportunity to participate in contested hearings.<sup>2</sup> This remains an important opportunity for the general public, notably the Native Hawaiian community to participate in an official decision making setting on development that would affect them through not only written and verbal comments, but a quasi judicial process. A quasi judicial process that allows regular people to participate in cross examination, and the calling up of expert witnesses. The shifting winds of politics and the limited ability (literal minutes) to present at council meetings shouldn’t affect important decisions such as on farm land, and especially traditional and customary rights that are constitutionally protected.

YPDA’s leadership and membership consist of Millennials and younger who are students and young professionals. We face the struggle of trying to survive in a state with one of the highest costs of living. YPDA of course supports the need for affordable housing as a priority, so that our members and all of Hawai‘i can have a future here. However, we want it done right. The protection of our land, resources and

housing that is actually affordable. With these concerns in mind, Young Progressives Demanding Action is **opposed** to **SB2620**.

Thank you for the opportunity to testify,

Jun Shin,  
Environmental Justice Action Committee Chair  
Young Progressives Demanding Action (YPDA)  
Cell: 808-255-6663  
Email: junshinbusiness729@gmail.com

Nate Hix,  
Economic Justice Action Committee Chair  
Young Progressives Demanding Action (YPDA)  
Email: nate.hix@gmail.com

<sup>1</sup> [https://www.capitol.hawaii.gov/session2019/testimony/HB1209\\_HD1\\_TESTIMONY\\_WLH\\_02-13-19\\_.PDF](https://www.capitol.hawaii.gov/session2019/testimony/HB1209_HD1_TESTIMONY_WLH_02-13-19_.PDF)

2

<https://luc.hawaii.gov/about/district-boundary-amendment-procedures/>



**SB-2620**

Submitted on: 2/4/2020 7:49:12 PM

Testimony for WTL on 2/6/2020 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Moran	Testifying for Kihei Community Association	Oppose	No

Comments:

Aloha Chair and members. We strongly oppose this measure. We want and need the State Land Use Commission in Maui County to make reasonable decisions

Mahalo,

Mike Moran for KCA

February 4, 2020

**The Honorable Stanley Chang, Chair**  
Senate Committee on Housing

**The Honorable Kaiali'i Kahele, Chair**  
Senate Committee on Water and Land  
State Capitol, Room 225  
Honolulu, HI 96813

**RE: S.B. 2620, Relating to Land Use**

**HEARING: Thursday, February 6, 2020, at 1:45 p.m.**

Aloha Chair Chang, Chair Kahele and Members of the Joint Committees,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **supports the intent** of S.B. 2620 which authorizes county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen but no more than thirty acres in the urban district without consideration of the Land Use Commission if at least 60% of the land is used to develop affordable housing.

Hawai'i has been struggling with the issue of affordable housing for decades. Challenges range from land and infrastructure costs, funding and over-regulation and permitting. According to the Department of Business Economic Development and Tourism's report on Housing Demand in Hawai'i, the state needs 64,493 housing units to meet demand in Hawai'i by 2025. Ultimately, we have a housing supply problem, and we need creative solutions to build more housing at all price points.

As such, this measure is a creative approach to address Hawaii's housing challenges. HAR would respectfully recommend that the acres be increased from 30 to 100 acres. This would make it economically feasible for environmental safeguards to be built, such as a wastewater treatment plan or connectivity to an existing sewer system. Smaller projects cannot absorb said costs.

Mahalo for the opportunity to testify.

**SB-2620**

Submitted on: 1/31/2020 6:50:18 PM

Testimony for WTL on 2/6/2020 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan P. Armstrong	Individual	Support	No

Comments:

Dear Chair Chang and Members of the Senate Committee on Housing,

I strongly support Senate Bill 2620 and express my appreciation for your efforts to see this improvement to our county land use zoning with respect to affordable housing projects that compromise at least 60 percent of a development's new inventory.

If the lack of affordable housing is the biggest assault on our quality of life in Hawai'i, and even our ability to live here, then those exceptional projects that will dramatically increase affordable housing in a given district deserve a chance at expedited rezoning. As both a planner and a conservationist by background, I hope our environmental and community advocates can work together for the welfare of the people of Hawai'i.

With much aloha,  
Dylan P. Armstrong, MÄ• noa  
Individual capacity

**SB-2620**

Submitted on: 2/4/2020 4:29:12 PM

Testimony for WTL on 2/6/2020 1:45:00 PM

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

Comments:

Aloha Chairs Kahele and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the committees,

I oppose SB2620. I am very much in favor of more inexpensive housing -- both for sale and for rent. I am involved with a group leading the fight for tens of thousands of units of affordable rentals on public land. But this bill is NOT the way to do it.

This bill uses the idea of affordable housing to allow more development of ag land. I was very much involved with the battle to keep our two best pieces of ag land -- Koa Ridge and Ho'opili -- from being developed. We would have had no chance to argue the merits of keeping prime ag land in ag production if the counties had controlled the process of upzoning.

It was only at the State level -- in those 2 cases, a contested case hearing before the Land Use Commission -- that we could make our case. SB2620 would make this extremely difficult to do.

Please hold this bill or defer it. Mahalo for the opportunity to testify.

Randy Ching

Honolulu

**SB-2620**

Submitted on: 2/5/2020 2:38:38 PM

Testimony for WTL on 2/6/2020 1:45:00 PM

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

Comments:

I strong oppose SB 2620 which gives sole control to the counties to reclassify Conservation land and Agricultural lands to Urban. This is a bad idea -- the councils are too easily influenced by corporate donations. I urge you to oppose SB 2620.

**SB-2620**

Submitted on: 2/5/2020 9:28:20 AM

Testimony for WTL on 2/6/2020 1:45:00 PM

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

Comments:

This is a bad bill. The Counties do not have the resources to understand the importance of effects of urbanizing important agricultural and conservation land.

Loss of coastal land to intense urbanization and the direct effect on the residents of our island has been a major loss and source of much disallusionment in government. We need to protect conservation and agricultural land, not throw it away to County governments who only think about the added property tax. Vote NO.

Toni Withington, Hawi, North Kohala

**SB-2620**

Submitted on: 2/5/2020 8:17:08 AM

Testimony for WTL on 2/6/2020 1:45:00 PM

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

Comments:

South Maui Citizens for Responsible Growth opposes SB 2620 for the following reasons:

1. The bill allows counties to change land use classification of up to 30 acres when Maui County in particular has been shown to be a poor steward of land use due to political influence in executive branch land use decision making that is inconsistent with law and good land use practices but potentially helpful to elected officials who please donor land developers. The Kihei Mega Mall is a poster child for this kind of abuse by local officials. The Land Use Commission, by contrast, is better able to decide large scale land use issues based on policy and solid criteria for change in accordance with established and sound criteria. In fact, but for the Land Use Commission, the Kihei Mega Mall would now be an unfortunate sprawling, illegal development furthering rendering an already sprawling community to be further degraded even while such development clearly violated the lawfull Kihei-Makena Community Plan and an earlier Land Use Commission Order!

2. The bill would allow counties to reclassify land to urban up to 30 acres so long as 60% of the land subject to reclassification is dedicated to affordable housing, leaving 40% up to any other use. What is the utility of allowing 40% to be developed into something else? And see 3 below.

3. What is to prevent dedication of 60% from remaining undeveloped but "dedicated." What would prevent a developer from just not proceeding with affordable housing while claiming that devellpment of the other 40% is critical to financing the 60%? Nothing in the law speaks to this loophole with based on experience will likely be problematic.