MAUI TOMORROW FOUNDATION, INC.

Protecting Maui's Future

February 16, 2010

Regarding HB 2904. Prohibiting the use of county general and development plans from serving as, or replacing the county regulatory powers.

Aloha Chair and Members of the Judiciary Committee,

Maui Tomorrow Foundation, Inc. strongly opposes this bill. For the past three years the Maui General Plan Advisory Committee listened to the community regarding future development. The Maui County Planning Commission also spent the last year holding meetings in every community to hear what the people want for their future. The Maui County Council is now in the final stages of adopting an updated General Plan.

Despite all this time, energy and cost, a few large developers are now trying to gut the work of the County's Planning Department, the citizen's advisory committees, the Maui County Council, and the input of the general public in order to serve their own special interests through this proposed legislation.

HB 2904 would wipe out the ability of Maui's General Plan to guide the County's development and set a precedent against home rule. We ask all members of the Judiciary Committee to vote "No" on this very bad bill.

Mahalo,

Rene Bowie

Irene Bowie Executive Director

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karamatsu1-Kenji

From:	mailinglist@capitol.hawaii.gov
Sent:	Tuesday, February 16, 2010 11:04 AM
To:	JUDtestimony
Cc:	dickmayer@earthlink.net
Subject:	Testimony for HB2904 on 2/16/2010 2:00:00 PM

Testimony for JUD 2/16/2010 2:00:00 PM HB2904

Conference room: 325 Testifier position: oppose Testifier will be present: No Submitted by: Dick Mayer Organization: Maui General Plan Advisory Committee Address: 1111 Lower Kimo Dr Kula, Maui, HI Phone: 808-283-4376 E-mail: <u>dickmayer@earthlink.net</u> Submitted on: 2/16/2010

Comments:

PLEASE OPPOSE HB 2904. Prohibiting the use of county general and development plans from serving as, or replacing the county regulatory powers.

I am a retired (34 Years) Maui Community College Professor (Economics and Geography) For the past three years I have served as the Vice-Chair of the Maui General Plan Advisory Committee (Advisory to the Maui County Council).

Maui County is now in the final stages of adopting an updated General Plan. This plan has received very widespread resident and community input. Now, a few big Maui contractors, contrary to the best interests of the general public, are trying to wipe out the work of hundreds of residents in order to serve their own very narrow special interests.

These contractors, through this LURF authored legislation, are using the State Legislature to undo the work of the County's Planning Department, the citizen's advisory committees, the Maui County Council, and the input of the general public.

HB 2904 would specifically wipe out the ability of Maui's General Plan to guide the county's development. Furthermore, since all of Maui community plans are part of our General Plan, it will wipe out the ability of every community plan to control and influence sub-divisions, zoning, etc..

HB 2904 is a most dangerous bill and I ask all members of the Judiciary Committee to vote "NO" on this bill.

Here is Maui County's General Plan law: Maui County Code Chapter 2.80B.010

The purpose and intent of this chapter is to establish an improved process to update the general plan and community plans. This chapter is designed to provide plans that clearly identify provisions that are meant to be policy guidelines and provisions that are intended to have the force and effect of law; to implement and enforce plans through prioritization and accountability; to empower advisory committees; to place more emphasis on island-wide and inter-regional issues; to encourage more frequent updates of plans and to establish deadlines for completion; and to increase public and community participation in the planning process.

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Maui County Code Chapter 2.80B.060 describes how the General Plan and the community plans can be amended, if need be, beginning just one year after plan adoption.



Testimony to the House Committee on Judiciary Tuesday, February 15, 2010; 2:00 p.m. Conference Room 325

RE: HOUSE BILL NO. 2904 RELATING TO COUNTY GENERAL PLANS

Chair Karamatsu, Vice Chair Ito and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's support of House Bill No. 2904, relating to County General Plans.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 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 its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

We support HB 2904, which would amend HBS 226-58, by prohibiting the use of county general and development plans from serving as, or replacing the county regulatory powers. This bill will clarify that county regulatory powers and process (zoning ordinances and land use and subdivision rules and regulations) will take precedence, when various county plans do not identically match each other; and when the various government and county plans do not identically match the zoning ordinances and land use and subdivision rules and regulations.

A county general plan is a comprehensive long-range plan from which the county development plan is derived. The general plans include "objectives and policies," and indicates the desired population and physical development patterns, address the unique problems and needs for each county and regions within each county. The county development and community plans are relatively more detailed plans for an area or region within a county to implement the objectives and policies of the county general plan. The planning process necessitates an orderly manner for the establishment of land use regulation. The planning process requires guidelines for long-range development such as county general plans and development plans. Thus, these county plans function as guidelines for policymakers to implement county regulatory powers, such as zoning ordinances, land use regulations and subdivision regulations. County general plans and development plans are therefore, <u>not</u> intended to serve as, or replace the county regulatory process.

We understand that HB 2904 was meant to confirm that the county regulatory powers and process (zoning ordinances, land use and subdivision rules and regulations) would take precedence over the general guidelines set forth in the various county plans, especially in situations where the county plans are not exactly identical to each other, as well as when permitting officials attempt to require that the various government land use designations

identically match each other. While this is currently a problem on Maui, it could also be a statewide problem if other jurisdictions use the same interpretation.

We are in support of HB 2904, because it provides the legislative direction and guidance necessary to resolve situations where the county plans do not identically match each other, or when county officials would require that all of the state and county land use designations identically match each other. HB 2904 will confirm the intent that the various county plans serve as guidelines, and that they should not serve as, or replace the county regulatory powers. HB 2904 is also consistent with the intention and recommendations of the Legislature's SCR 132 (2009) Construction Industry Task Force.

We appreciate the opportunity to express our views.