

January 29, 2010

Honorable Representative Ken Ito, Chair  
Water, Land and Ocean Resources Committee  
House of Representatives  
Hawaii State Capitol, Room 438  
415 South Beretania Street  
Honolulu, Hawaii 96813

**Re: House Bill 2904, A Bill For An Act Relating to County General Plans**

Dear Committee Chair Ito,

Thank you for the opportunity to provide testimony on House Bill No 2904. In the business of real estate development, the maxim 'time is money' could not be more true. I have been in the business of real estate development in Hawaii for over 25 years and in this unstable economic environment, it has never been more difficult to secure investments for development projects.

If approved, the current draft of the Maui Island Plan bears serious implications for the future of the development industry on Maui by imposing an additional layer of zoning through the proposed Urban and Rural Growth Boundaries. The proposed Urban and Rural Growth Boundaries could prove to be the nail in the coffin for development by further extending the entitlement process to the point that all development on Maui becomes cost prohibitive. This bears profoundly negative implications for our island's economy and is not what we need at this time.

Passage of the legislative and zoning sections of the Maui Island Plan also exposes the County to the risk of being sued. The elimination of properties with both partial and full entitlements from the growth boundary maps will result in the loss of existing development potential and the immediate reduction of their property value, resulting in an unconstitutional taking. Numerous Supreme Court cases have set a clear precedent for prohibiting the Constitutional taking of fully entitled lands. Limiting the scope of County General Plans to exclude legislative and zoning elements will also protect Hawaii's county governments from the risk of litigation.

For this reason and the others mentioned above, we strongly support the proposed bill to limit the legislative and zoning power of County General Plans be adopted. Thank you for your consideration regarding this important matter.

Sincerely,



Everett Dowling  
President

# LATE TESTIMONY

February 1, 2010

Via email to: [WLOtestimony@capitol.hawaii.gov](mailto:WLOtestimony@capitol.hawaii.gov)

Honorable Ken Ito, Chair  
House Committee on Water, Land & Ocean Resources  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: HB 2904 Relating to County General Plans

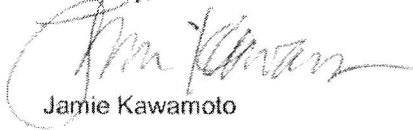
Dear Representative Ito:

I am writing to you today in support of HB 2904.

As a lifelong resident of Maui County, I am concerned about the use of General Plans as a legislative document that dictates the use of lands within our communities. The fact that a General Plan, once adopted, remains in effect for 20 years with only one 10 year review is indicative of it's original intent, which is to provide another outlet for community members to express what they would like to see happen in terms of growth and development on their island.

Each County's ability to change and adapt to the needs of their communities should not be hindered by one document. Therefore, I humbly ask for your support of HB 2904.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jamie Kawamoto", written in dark ink.

Jamie Kawamoto

# LATE TESTIMONY

MARILYN STUPPLEBEEN

838 Puapana Place, Makawao, Hawaii 96768 (808)572-6233

February 1, 2010

Honorable Representative Ken Ito, Chair  
Water, Land and Ocean Resources Committee  
House of Representatives  
State Capitol, Room 438  
Honolulu, Hawaii

VIA: ONLINE WEB SUBMISSION <http://www.capitol.hawaii.gov/emailtestimony>

Re: House Bill 2904, A Bill For An Act Relating to County General Plans

Dear Committee Chair Ito,

Thank you for the opportunity to provide testimony on House Bill No 2904.

The County General Plan was never intended to be a legislative or zoning document, but this is exactly how the current draft of the Maui Island Plan reads. The approval of the current draft is the equivalent of kicking somebody when he or she is down; the real estate development has suffered greatly in the last year, and adding another layer of zoning is adding insult to injury, the effects of which will be felt throughout the island.

Furthermore, County General Plans were never intended to be used as legislative or zoning documents. House Bill No. 2904 provides effective clarification of this and therefore should be approved.

Sincerely,



Marilyn Stupplebeen

# LATE TESTIMONY

*Kerri Tsubaki*  
*111 Pu'ulama Place*  
*Kihei, Hawaii 96753*

January 29, 2010

Chairman Ken Ito  
Water Land & Ocean Resources Committee  
Via email to: [Hawaii.gov](http://Hawaii.gov) website

**RE: Hearing on HB2904**

Dear Chairman Ito:

My name is Kerri Tsubaki and I have been a resident of Kihei, Maui for the past 17 years. As a long time Maui resident, I am very concerned that the existing general plan draft will have far reaching negative impact when implemented.

This plan has not been thoroughly explored and researched and giving these documents the power to be upheld in legislative and zoning matters will not only cause confusion for current zoning but may go further as to cost more taxpayer money in resolving appeals of decisions that had been decided on using the General Plan.

Please pass HB2904 and save everyone time and money.

Thank you for your consideration.

Very truly yours,

Kerri Tsubaki

# LATE TESTIMONY

February 1, 2010

Honorable Representative Ken Ito, Chair  
Honorable Sharon E. Har, Vice Chair and Members  
Water, Land and Ocean Resources Committee  
House of Representatives  
State Capitol, Room 438  
State of Hawaii  
Honolulu, Hawaii

Re: House Bill No. 2904, A Bill For An Act Relating to County General Plans

I appreciate the opportunity to testify in support of House Bill No. 2904. As a long time Maui resident, I am very concerned that the existing general plan draft will be a detriment to our Maui community. A county's general plan document cannot be used to serve as or replace the county's regulatory powers.

Although it is well intentioned, in no way can one document be used to regulate the entire complex planning process. This general plan provides for zoning and subdivision restrictions, capital budgeting, and various other requirements. These requirements cannot possibly account for our ever changing community needs. How can we rely on one document to govern our planning for the next twenty years with just one update?

Thank you for the opportunity to testify, and I ask for your support of bill 2904.

Best regards,

Kelii Gomez

# LATE TESTIMONY

February 1, 2010

Honorable Ken Ito, Chair  
Members of the Water, Land and  
Ocean Resource Committee  
House of Representatives  
State Capitol, Room 438  
State of Hawaii  
Honolulu, Hawaii

RE: House Bill No. 2904, A Bill For An Act Relating to County General  
Plans

Thank you for the opportunity to provide testimony on House Bill No. 2904. I am delighted that this bill is under consideration by your committee. I strongly believe that there should be a hierarchy in the land use planning process and fully support the bill's objective in restricting the general plan and development plans to be policy statements that represents the various goals and objectives of the entire County and not an instrument to establish or mandate rules, regulations or ordinances for zoning and subdivisions.

Thank you again for the opportunity to provide testimony.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Fujimoto", with a stylized flourish at the end.

Don Fujimoto

# LATE TESTIMONY

Tammie Ann Matsuura

February 1, 2010

Honorable Representative Ken Ito, Chair  
Water, Land and Ocean Resources Committee  
House of Representatives  
State Capitol, Room 438  
415 South Beretania Street  
Honolulu, Hawaii 96813

**Re: House Bill 2904, A Bill For An Act Relating to County General Plans**

Dear Committee Chair Ito,

Mahalo for the opportunity to provide testimony on House Bill No. 2904. I am a Maui resident who has worked in the real estate industry for 14 years. I support the initiative to clarify that County General Plans should not act as legislative documents or require additional regulations for obtaining property entitlements.

The current draft of the Maui Island Plan includes provisions to regulate the island's growth by implementing an additional layer of zoning through the use of Urban and Rural Growth Boundaries. Simple economics dictate that the restriction of growth within these growth boundaries will create artificial scarcity and thus inflate land prices even more. This will serve to further hinder the island's real estate industry during a time when its economic recovery is what our community needs. It will also serve to drive up the cost of affordable housing, forcing first-time homebuyers to move off the island.

County General Plans should not be used as legislative or zoning documents, as the Maui Island Plan currently does. It is important that clarifying language be added to ensure that County General Plans are not inappropriately effectuated as this could have serious and adverse consequences for our communities by inhibiting stable economic growth.

Thank you for your time and consideration.

Sincerely,



Tammie Matsuura