SB 3028 SD 1 SCR 2116
RELATING TO LAND USE BOUNDARY CHANGES

Statement for House Committee on Planning, Energy and Environmental Protection
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SB 3028 SD 1 would amend HRS section 205-4(g), to allow the Land Use Commission to attach certain conditions to their decisions on a boundary amendment which would void the amendment if substantial commencement of the activity for which the amendment was requested was not undertaken in accordance with the promises made by the petitioner.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

We generally concur with the intent and spirit of SB 3028 SD 1. As recognized in the Standing Committee Report No. 2116, undesirable private land speculation and uncertain development schedules have occurred as a result of some land use boundary amendments and such activities can seriously jeopardize the long term planning efforts of federal, state, and county officials particularly with regard to infrastructure needs. If the present language of HRS 205-4 (g) does not permit the LUC to impose the conditions that a boundary amendment will be void without substantial commencement of use of the land in accordance with representations by the petitioner, then the amendments proposed in SB 3028 SD 1 will provide a compliance mechanism and should surely be considered. The addition of paragraph (4) on page 3 will encourage the LUC to consider and when appropriate to impose conditions on the petitioners in the granting of boundary changes.

We do suggest that this committee provide a clear definition of "substantial commencement" either by amendment of this bill or in the committee report. For example, would the negotiation for financing or other "paper actions" be considered "substantial commencement" or would ground breaking be required?